SECTION 6. (a) Section 254.036, Election Code, as amended by this Act, applies only to a report required to be filed under Chapter 254, Election Code, that is due on or after January 1, 2014. A report required to be filed under Chapter 254, Election Code, that is due before January 1, 2014, is governed by the law in effect on the date the report is due, and the former law is continued in effect for that purpose.

(b) Section 145.004, Local Government Code, as amended by this Act, applies only to a financial statement required to be filed under Chapter 145, Local Government Code, that is due on or after January 1, 2014. A financial statement required to be filed under Chapter 145, Local Government Code, that is due before January 1, 2014, is governed by the law in effect on the date the financial statement is due, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act to Chapter 159, Local Government Code, apply only to a financial statement or report required to be filed under that chapter that is due on or after January 1, 2014. A financial statement or report required to be filed under Chapter 159, Local Government Code, that is due before January 1, 2014, is governed by the law in effect on the date the financial statement or report is due, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2013.

Passed by the House on April 17, 2013: Yeas 146, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1035 on May 23, 2013: Yeas 140, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 20, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 895

H.B. No. 1044

AN ACT

relating to the operation of all-terrain vehicles and recreational off-highway vehicles; creating an offense.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 63.002, Natural Resources Code, is amended by amending Subdivision (4) and adding Subdivisions (4-a) and (4-b) to read as follows:

(4) "Recreational vehicle" means a dune buggy, marsh buggy, minibike, trail bike, jeep, all-terrain vehicle, recreational off-highway vehicle, or any other mechanized vehicle that is being used for recreational purposes, but does not include a [any] vehicle that is not being used for recreational purposes.

(4-a) "All-terrain vehicle" has the meaning assigned by Section 502.001, Transportation Code.

(4-b) "Recreational off-highway vehicle" has the meaning assigned by Section 502.001, Transportation Code.

SECTION 2. Section 29.001, Parks and Wildlife Code, is amended to read as follows:

Sec. 29.001. DEFINITION. In this chapter, "off-highway vehicle" means:

(1) an all-terrain vehicle, as defined by Section 502.001 [662.001], Transportation Code;

(2) an off-highway motorcycle;

(3) a recreational off-highway vehicle, as defined by Section 502.001, Transportation Code; and
(4) any other motorized vehicle used for off-highway recreation on:

(A) public land over which the department has authority or on land purchased or leased by the department; or

(B) land acquired or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department.

SECTION 3. Sections 502.140(b) and (e), Transportation Code, are amended to read as follows:

(b) The state, a county, or a municipality may register an all-terrain vehicle or a recreational off-highway vehicle that is owned by the state, county, or municipality for operation on a public beach or highway to maintain public safety and welfare.

(e) An all-terrain vehicle or recreational off-highway vehicle that is owned by the state, a county, or a municipality and operated in compliance with Section 663.037 does not require registration under Subsection (b).

SECTION 4. Section 663.001, Transportation Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) “All-terrain vehicle” has the meaning assigned by Section 502.001 [means a motor vehicle that is]

[(A) equipped with a saddle for the use of:

[(i) the rider; and

[(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

[(B) designed to propel itself with three or four tires in contact with the ground;

[(C) designed by the manufacturer for off-highway use by the operator only; and

[(D) not designed by the manufacturer for farming or lawn care].

(1-a) “Beach” means a beach area, publicly or privately owned, that borders the seaward shore of the Gulf of Mexico.

SECTION 5. Section 663.002(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Sections [Section] 663.037 and 663.0371, Chapter 521 does not apply to the operation or ownership of an all-terrain vehicle registered for off-highway operation.

SECTION 6. Section 663.031, Transportation Code, is amended to read as follows:

Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person may not operate an all-terrain vehicle on public property or a beach unless the person:

(1) holds a safety certificate issued under this chapter or under the authority of another state;

(2) is taking a safety training course under the direct supervision of a certified all-terrain vehicle safety instructor; or

(3) is under the direct supervision of an adult who holds a safety certificate issued under this chapter or under the authority of another state.

(b) A person to whom a safety certificate required by Subsection (a) has been issued shall:

(1) carry the certificate when the person operates an all-terrain vehicle on public property or a beach; and

(2) display the certificate at the request of any law enforcement officer.

SECTION 7. Sections 663.033(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) An all-terrain vehicle that is operated on public property or a beach must be equipped with:

(1) a brake system maintained in good operating condition;

(2) an adequate muffler system in good working condition; and

(3) a United States Forest Service qualified spark arrester.
(b) An all-terrain vehicle that is operated on public property or a beach must display a
lighted headlight and taillight:

(1) during the period from one-half hour after sunset to one-half hour before sunrise;
and

(2) at any time when visibility is reduced because of insufficient light or atmospheric
conditions.

(c) A person may not operate an all-terrain vehicle on public property or a beach if:

(1) the vehicle has an exhaust system that has been modified with a cutout, bypass, or
similar device; or

(2) the spark arrester has been removed or modified, unless the vehicle is being operated
in a closed-course competition event.

SECTION 8. Section 663.034, Transportation Code, is amended to read as follows:

Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not operate, ride, or be
carried on an all-terrain vehicle on public property or a beach unless the person wears:

(1) a safety helmet that complies with United States Department of Transportation
standards; and

(2) eye protection.

SECTION 9. Section 663.035, Transportation Code, is amended to read as follows:

Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A person
may not operate an all-terrain vehicle on public property or a beach in a careless or reckless
manner that endangers, injures, or damages any person or property.

SECTION 10. Section 663.036, Transportation Code, is amended to read as follows:

Sec. 663.036. CARRYING PASSENGERS. A person may not carry a passenger on an
all-terrain vehicle operated on public property or a beach unless the all-terrain vehicle is
designed by the manufacturer to transport a passenger.

SECTION 11. Subchapter C, Chapter 663, Transportation Code, is amended by adding
Section 663.0371 to read as follows:

Sec. 663.0371. OPERATION ON BEACH. (a) A person may not operate an all-terrain
vehicle on a beach except as provided by this section.

(b) A person operating an all-terrain vehicle on a beach must hold and have in the
person’s possession a driver’s license issued under Chapter 521 or a commercial driver’s
license issued under Chapter 522.

(c) Except as provided by Chapters 61 and 63, Natural Resources Code, an operator of an
all-terrain vehicle may drive the vehicle on a beach that is open to motor vehicle traffic.

(d) Except as provided by Chapters 61 and 63, Natural Resources Code, a person who is
authorized to operate an all-terrain vehicle that is owned by the state, a county, or a
municipality may drive the all-terrain vehicle on any beach if the vehicle is registered under
Section 502.140(b).

(e) The Texas Department of Transportation or a county or municipality may prohibit
the operation of an all-terrain vehicle on a beach if the department or the governing body of
the county or municipality determines that the prohibition is necessary in the interest of
safety.

SECTION 12. Section 502.140(c), Transportation Code, is repealed.

SECTION 13. This Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 139, Nays 8, 2 present, not voting; passed
by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective September 1, 2013.