

## **BILL ANALYSIS**

Senate Research Center  
85R8893 JRR-D

H.B. 1956  
By: Springer (Nichols)  
Transportation  
5/19/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Over time, applicable statutes have resulted in confusion for both drivers and some law enforcement officers as to the proper operation of all-terrain vehicles, utility vehicles, and recreational off-highway vehicles. H.B. 1956 addresses this issue by providing for clarification with regard to the operation of these vehicles.

H.B. 1956 amends the Transportation Code to include a utility vehicle among the vehicles to which statutory provisions relating to the operation of certain off-highway vehicles apply. H.B. 1956 reclassifies as an off-highway vehicle for purposes of those provisions an all-terrain vehicle, a recreational off-highway vehicle, and a utility vehicle.

The bill also repeals the following Transportation Code provisions:

- Section 551.401(2) ;
- Section 663.001(1), as amended by Chapters 131 (S.B. 487) and 895 (H.B. 1044), Acts of the 83rd Legislature, Regular Session, 2013;
- Section 663.003.

H.B. 1956 amends current law relating to the operation of certain off-highway vehicles.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Subchapter F, Chapter 551, Transportation Code, to read as follows:

#### **SUBCHAPTER F. GOLF CARTS**

SECTION 2. Amends Sections 551.404(a-1) and (b), Transportation Code, to delete utility vehicles from the vehicles to which these sections apply.

SECTION 3. Redesignates Section 633.001(3), Transportation Code, as Section 633.001(1-b), Transportation Code, and amends it to redefine "off highway vehicle."

SECTION 4. Amends Section 663.001, Transportation Code, by adding Subdivision (4) to define "utility vehicle."

SECTION 5. Amends Section 663.002, Transportation Code, as follows:

Sec. 663.002. NONAPPLICABILITY OF CERTAIN OTHER LAWS. (a) Provides that, except as provided by Sections 663.037 (Operation on Public Roadway Prohibited) and 663.0371 (Operation on Beach), Chapter 521 (Driver's Licenses and Certificates) does

not apply to the operation or ownership of an off-highway, rather than all-terrain, vehicle registered for off-highway operation.

(b) Provides that Chapter 1001 (Driver and Traffic Safety Education), Education Code, rather than Chapter 332 (Department of Public Safety—Commercial Driver-Training Schools and Instructors—Licensing), Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes), does not apply to instruction in the operation of an off-highway vehicle provided under the operator education and certification program established by this chapter (Certain Off-Highway Vehicles). Makes a conforming change.

SECTION 6. Amends the heading to Subchapter B, Chapter 663, Transportation Code, to read as follows:

#### SUBCHAPTER B. OFF-HIGHWAY VEHICLE OPERATOR EDUCATION AND CERTIFICATION

SECTION 7. Amends Section 663.011, Transportation Code, to change a reference to all-terrain vehicle to off-highway vehicle.

SECTION 8. Amends Section 663.012, Transportation Code, to make conforming changes.

SECTION 9. Amends Section 663.013, Transportation Code, as follows:

Sec. 663.013. New heading: OFF-HIGHWAY VEHICLE SAFETY COORDINATOR.  
(a) through (c) Makes conforming changes.

SECTION 10. Amends Section 663.014, Transportation Code, to make a conforming change.

SECTION 11. Amends Section 663.015, Transportation Code, to make conforming changes.

SECTION 12. Amends Section 663.016, Transportation Code, to make a conforming change.

SECTION 13. Amends the heading to Subchapter C, Chapter 663, Transportation Code, to read as follows:

#### SUBCHAPTER C. OPERATION OF OFF-HIGHWAY VEHICLES

SECTION 14. Amends Section 663.031, Transportation Code, to make conforming changes.

SECTION 15. Amends Section 663.032, Transportation Code, to make a conforming change.

SECTION 16. Amends Section 663.033, Transportation Code, to make conforming changes.

SECTION 17. Amends Section 663.034, Transportation Code, to make a conforming change.

SECTION 18. Amends Section 663.035, Transportation Code, to make a conforming change.

SECTION 19. Amends Section 663.036, Transportation Code, to make conforming changes.

SECTION 20. Amends Sections 663.037(a), (b), (c), (d), (f), and (g), Transportation Code, to make conforming changes.

SECTION 21. Amends Section 663.0371, Transportation Code, to make conforming changes.

SECTION 22. Repealers: Section 551.401(2) (relating to the definition of "utility vehicle"), Section 663.001(1) (relating to the definition of "all-terrain vehicle"), as amended by Chapters 131 (S.B. 487) and 895 (H.B. 1044), Acts of the 83rd Legislature, Regular Session, 2013, and Section 663.003 (Recreational off-Highway Vehicles), Transportation Code.

SECTION 23. Effective date: September 1, 2017.