

## **BILL ANALYSIS**

C.S.H.B. 3103  
By: Murphy  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note the rapidly growing phenomenon of online shopping and the attendant increase in the number of online shopping orders and the logistic issues this creates for commercial delivery services. Allowing such delivery services to operate vehicles currently permitted in certain neighborhood environments, such as golf carts and utility vehicles, could allow those delivery services providers to increase their efficiency in making deliveries in certain communities. C.S.H.B. 3103 seeks to address this issue by revising provisions relating to the operation of golf carts and utility vehicles.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTION 5 of this bill.

### **ANALYSIS**

C.S.H.B. 3103 amends the Transportation Code to authorize the Texas Department of Motor Vehicles (TxDMV) to register a commercial utility vehicle for operation on a public highway in accordance with the bill's provisions, to issue license plates for such a vehicle, and to charge a fee not to exceed \$25 for the cost of the license plates. The bill requires TxDMV by rule to establish a procedure to issue the license plates to be used for operation of such a commercial utility vehicle in certain communities and on certain roadways in accordance with the bill's provisions.

C.S.H.B. 3103 authorizes operation of a commercial utility vehicle in a master planned community that has a uniform set of restrictive covenants and for which a county or municipality has approved a plat or on a public or private beach. The bill authorizes an operator who is an employee or agent of a political subdivision to operate a commercial utility vehicle that is owned by the political subdivision on any public highway. The bill authorizes the governing body of a municipality or the commissioners courts of certain counties to allow the operation of a commercial utility vehicle on all or part of a public highway in the corporate boundaries of the municipality or in the unincorporated area of a county, as applicable, if the highway has a posted speed limit of not more than 35 miles per hour. The bill makes the county commissioners court authorization to allow the operation of a commercial utility vehicle in the unincorporated area of the county applicable only to a county that borders or contains a portion of the Red River; borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or is adjacent to a county that meets the latter criteria, has a population of less than 30,000, and contains a part of a barrier island that borders the Gulf of

Mexico.

C.S.H.B. 3103 requires a commercial utility vehicle operating under the bill's provisions in such a location to have headlamps, taillamps, reflectors, a parking brake, and mirrors. The bill authorizes a commercial utility vehicle to cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour. The bill authorizes a master planned community to adopt reasonable safety and maintenance rules for the operation of a golf cart and a commercial utility vehicle in the community.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3103 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

No equivalent provision.

SECTION 1. Subchapter F, Transportation Code, is amended to read as follows:

Sec. 551.401. DEFINITIONS. In this subchapter:

(1) "Golf cart" and "public highway" have the meanings assigned by Section 502.001.

(2) "Commercial Utility vehicle" means a

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. The heading to Subchapter F, Chapter 551, Transportation Code, is amended to read as follows:

~~SUBCHAPTER F. GOLF CARTS [AND UTILITY VEHICLES]~~

SECTION 2. Section 551.401, Transportation Code, is amended to read as follows:

Sec. 551.401. DEFINITION [~~DEFINITIONS~~]. In this subchapter, "golf"

~~[(1) "Golf] cart" and "public highway" have the meanings assigned by Section 502.001.~~

~~[(2) "Utility vehicle" means a motor vehicle that is not a golf cart or lawn mower and is:~~

~~[(A) equipped with side by side seating for the use of the operator and a passenger;~~

~~[(B) designed to propel itself with at least four tires in contact with the ground;~~

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

~~[(D) designed by the manufacturer primarily for utility work and not for recreational purposes.]~~

SECTION 5. Chapter 551, Transportation Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. COMMERCIAL UTILITY VEHICLES

Sec. 551.451. DEFINITIONS. In this subchapter:

(1) "Commercial utility vehicle" means a

motor vehicle that is not a golf cart or lawn mower and is:

- (A) equipped with side-by-side seating for the use of the operator and a passenger;
- (B) designed to propel itself with at least four tires in contact with the ground;
- (C) designed by the manufacturer for on or off-highway use only; and
- (D) designed by the manufacturer primarily for utility commercial work and not for recreational purposes.

(See Sec. 551.401(1) above.)

Sec. 551.402. REGISTRATION NOT AUTHORIZED FOR GOLF CARTS. (a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart. (b) The Texas Department of Motor Vehicles may issue license plates for a golf cart as authorized by Subsection (c). (c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404. (d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$10 for the cost of the license plate.

Sec. 551.4021. REGISTRATION AUTHORIZED FOR COMMERCIAL UTILITY VEHICLES. (a) The Texas Department of Motor Vehicles may register a commercial utility vehicle for operation on a public highway. (b) The Texas Department of Motor Vehicles may issue license plates for a commercial utility vehicle as authorized by Subsection (c). (c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404. (d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$25 for the cost of the license plate.

Sec. 551.403. LIMITED OPERATION OF A GOLF CART. (a) An operator may operate a golf cart:

motor vehicle that is not a golf cart or lawn mower and is:

- (A) equipped with side-by-side seating for use by the operator and a passenger;
- (B) designed to propel itself with at least four tires in contact with the ground;
- (C) designed by the manufacturer for on- or off-highway use; and
- (D) designed by the manufacturer primarily for commercial utility work and not for recreational purposes.

(2) "Golf cart" and "public highway" have the meanings assigned by Section 502.001.

No equivalent provision.

Sec. 551.452. REGISTRATION. (a) The Texas Department of Motor Vehicles may register a commercial utility vehicle for operation on public highways in accordance with this subchapter.

(b) The Texas Department of Motor Vehicles may issue license plates for a commercial utility vehicle as authorized by Subsection (c). (c) The Texas Department of Motor Vehicles by rule shall establish a procedure to issue the license plates to be used for operation in accordance with this subchapter. (d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$25 for the cost of the license plates.

No equivalent provision.

- (1) in a master planned community:
    - (A) that has in place a uniform set of restrictive covenants; and
    - (B) for which a county or municipality has approved a plat;
  - (2) on a public or private beach; or
  - (3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
    - (A) during the daytime; and
    - (B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.
- (b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Sec. 551.4031. LIMITED OPERATION OF A COMMERCIAL UTILITY VEHICLE. An operator may operate a commercial utility vehicle:

(a) in a master planned community:

- (1) that has in place a uniform set of restrictive covenants; and
- (2) for which a county or municipality has approved a plat;

(b) on a public or private beach; or

(c) on a public highway or public roadway for which the posted speed limit is not more than 35 miles per hour.

Sec. 551.404. OPERATION IN MUNICIPALITIES AND CERTAIN COUNTIES. (a) In addition to the operation authorized by Sections 551.403 and 551.4031, the governing body of a municipality may allow an operator to operate a golf cart or a commercial utility vehicle on all or part of a public highway that:

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per hour.

(a-1) In addition to the operation authorized

Sec. 551.453. LIMITED OPERATION.

(a) An operator may operate a commercial utility vehicle:

- (1) in a master planned community:
  - (A) that has in place a uniform set of restrictive covenants; and
  - (B) for which a county or municipality has approved a plat; or
- (2) on a public or private beach.

(b) An operator who is an employee or agent of a political subdivision may operate a commercial utility vehicle that is owned by the political subdivision on any public highway.

Sec. 551.454. OPERATION IN MUNICIPALITIES AND CERTAIN COUNTIES. (a) In addition to the operation authorized by Section 551.453, the governing body of a municipality may allow an operator to operate a commercial utility vehicle on all or part of a public highway that:

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per hour.

(b) In addition to the operation authorized

by Sections 551.403 and 551.4031, the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart or commercial utility vehicle on all or part of a public highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

(1) borders or contains a portion of the Red River;

(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2) and:

(A) has a population of less than 30,000; and

(B) contains a part of a barrier island that borders the Gulf of Mexico.

(b) A golf cart or commercial utility vehicle operated under this section must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

Sec. 551.405. **CROSSING CERTAIN ROADWAYS.** A golf cart or a commercial utility vehicle may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

No equivalent provision.

*(See Sec. 551.404(a-1) and (b) above.)*

by Section 551.453, the commissioners court of a county described by Subsection (c) may allow an operator to operate a commercial utility vehicle on all or part of a public highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

(c) Subsection (b) applies only to a county that:

(1) borders or contains a portion of the Red River;

(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2) and:

(A) has a population of less than 30,000; and

(B) contains a part of a barrier island that borders the Gulf of Mexico.

(d) A commercial utility vehicle operated under this section must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

Sec. 551.455. **CROSSING CERTAIN ROADWAYS.** A commercial utility vehicle may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

Sec. 551.456. **RULES IN MASTER PLANNED COMMUNITIES.** A master planned community may adopt reasonable safety and maintenance rules for the operation of a commercial utility vehicle in the community.

SECTION 3. Sections 551.404(a-1) and (b), Transportation Code, are amended to read as follows:

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart [~~or utility vehicle~~] on all or part of

a public highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

(b) A golf cart [~~or utility vehicle~~] operated under this section must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

No equivalent provision.

SECTION 4. Subchapter F, Chapter 551, Transportation Code, is amended by adding Section 551.406 to read as follows:

Sec. 551.406. RULES IN MASTER PLANNED COMMUNITIES. A master planned community may adopt reasonable safety and maintenance rules for the operation of a golf cart in the community.

No equivalent provision.

SECTION 6. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 7. Same as introduced version.