

- SUBJECT:** Requiring the use of seat belts while using certain off-road vehicles
- COMMITTEE:** Culture, Recreation and Tourism — committee substitute recommended
- VOTE:** 7 ayes — Homer, T. King, Kleinschmidt, Kuempel, McCall, Phillips, Thibaut
0 nays
2 absent — D. Howard, Dukes
- WITNESSES:** For — *(Registered, but did not testify:* Ron Hinkle, Polaris Industries)
Against — None
On — Rick Gully, Texas Parks and Wildlife Department
- BACKGROUND:** Under Parks and Wildlife Code, sec. 29.011 a person may not operate, ride, or be carried on an off-highway vehicle on public property unless the person wears a safety helmet and eye protection. The offense is a class C Parks and Wildlife misdemeanor, punishable by a fine of not less the \$25 and not more than \$500.
- DIGEST:** CSHB 3846 would amend Parks and Wildlife Code, sec. 29.001 by expanding the definition of an “off-highway vehicle” to include a recreational vehicle that:
- was equipped with a non-straddle seat for a rider and a passenger, if the vehicle was designed to transport a passenger;
 - had four or more tires;
 - was designed by the manufacturer to be operated for off-highway use only; and
 - was not designed primarily for farming or lawn care.
- CSHB 3846 would amend Parks and Wildlife Code, sec. 29.011, by adding seat belts, if the vehicle was equipped, to the list of safety apparel required when using an off-highway vehicle. This requirement would not apply to a motor vehicle that:

- had at least four wheels and was registered by the Texas Department of Transportation for use on a public highway, except if it was an all-terrain vehicle;
- had four wheels and was equipped with bench or bucket seats, seat belts, and a roll bar or roll cage; or
- was in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the motor vehicle.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009, and apply to offenses committed on or after the bill's effective date.

NOTES:

The committee substitute differs from the bill as filed by:

- expanding the definition of "off-highway vehicle";
- exempting a motor vehicle that had four wheels and was equipped with bench or bucket seats, seat belts, and a roll bar or roll cage, rather than exempting a vehicle with four wheels and was operated at 15 miles per hour or less.