

SUBJECT: Regulating certain off-highway and neighborhood vehicles

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Canales, Landgraf, Bernal, Y. Davis, Hefner, Krause, Leman, Martinez, Ortega

0 nays

4 absent — Goldman, Raney, Thierry, E. Thompson

WITNESSES: For — Bill Orton, Matagorda County; Denise Fortenberry, Matagorda County Attorney; (*Registered, but did not testify:* Randy Cain, City of Dallas; Jeff Heckler, ETukUSA; CJ Grisham)

Against — (*Registered, but did not testify:* Richard Hardy, Specialty Vehicle Institute of America and Recreational Off Highway Vehicle Association)

On — Linda G. Bridge, Tax Assessor-Collectors Association; (*Registered, but did not testify:* Jeremiah Kuntz, Texas Department of Motor Vehicles; Jo Heselmeyer and Steve Moninger, Texas Department of Public Safety)

BACKGROUND: Some have suggested that state law should be clarified on the operation of off-highway vehicles and the authority of a local government to allow all-terrain vehicles and golf carts on local roads.

DIGEST: HB 1548 would amend certain statutory provisions regarding the registration, titling, and operation of off-highway vehicles, golf carts, and neighborhood electric vehicles.

Certificate of title. HB 1548 would specify that an off-highway vehicle, including an all terrain, utility, or recreational off-highway vehicle, would be subject to titling requirements under the Certificate of Title Act.

Vehicle registration, license plates. HB 1548 would prohibit the Texas Department of Motor Vehicles (TxDMV) from registering a neighborhood electric vehicle or off-highway vehicle for operation on a highway regardless of vehicle alterations.

A person could operate an unregistered off-highway vehicle, neighborhood electric vehicle, or golf cart on a highway only if the vehicle displayed a license plate. TxDMV would have to establish procedures to issue license plates for those vehicles. TxDMV could charge a maximum fee of \$10 for the cost of a license plate, and revenues would be deposited to the credit of the TxDMV fund. A license plate for an off-highway vehicle, neighborhood electric vehicle, or golf cart would not expire and could not be transferred to a subsequent vehicle owner. The bill also would allow TxDMV to charge an administrative fee to cover the costs of issuing plates for a neighborhood electric vehicle, golf cart, or off-highway vehicle, if necessary.

A registered off-highway vehicle owned by the state, a county, or a city and operated on a public beach or highway to maintain public safety would be exempt from provisions related to operation on a highway and certain equipment and safety requirements.

The bill would specify that a registered off-highway vehicle was not subject to inspection.

Equipment requirements. HB 1548 would exempt all golf carts, neighborhood electric vehicles, and off-highway vehicles from certain vehicle equipment standards and requirements.

Golf carts, neighborhood electric vehicles, or off-highway vehicles operated at a speed of not more than 25 miles per hour would be required to display a slow-moving-vehicle emblem when operated on a highway.

Operation on public off-highway vehicle land. HB 1548 would prohibit a person from operating an off-highway vehicle on land owned or leased by a governmental entity in an area not open to vehicular traffic, unless

the land was public off-highway vehicle land and operated in compliance with certain statutes. The bill would define "public off-highway vehicle land" as land on which off-highway recreation was authorized under the off-highway vehicle trail and recreational area program.

Certain statutory prohibitions, such as the prohibition on a person under 14 years old operating an off-highway vehicle without adult supervision, would extend to the operation of a vehicle on public off-highway vehicle land. Certain requirements for safety apparel also would apply to an off-highway vehicle on public off-highway vehicle land or highway.

Operation in master planned community. HB 1548 would allow an unregistered off-highway vehicle to be operated in certain master planned communities as specified in the bill.

Operation on beaches. HB 1548 would specify that a neighborhood electric vehicle or golf cart could be operated on a public or private beach that was open to vehicular traffic.

Operation on a highway. An unregistered off-highway vehicle could be operated on a highway for which the posted speed limit was no more than 35 miles per hour, if the vehicle was operated:

- during the day;
- no more than two miles from the location where it was usually parked; and
- for transportation to or from a golf course.

The Texas Department of Transportation, a city, or a county could prohibit the operation of an unregistered off-highway vehicle on a highway if the governing body or department determined it necessary in the interest of safety.

The governing body of a city or county could authorize the operation of an unregistered off-highway vehicle on a highway with a speed limit under 35 miles per hour within its boundaries or unincorporated area,

respectively.

The bill would allow an unregistered off-highway vehicle, neighborhood electric vehicle, or golf cart to cross a highway at an intersection with a highway that had a speed limit under 35 miles per hour.

Agricultural, utility, or law enforcement operation. HB 1548 would specify that an unregistered off-highway vehicle operated for certain agricultural, utility, or law enforcement purposes would not have to display a license plate and the driver would not have to hold a driver's license.

Violations. HB 1548 would specify that certain class C misdemeanor offenses (maximum fine of \$500) for statutory violations regarding the operation of off-highway vehicles would apply to a violation committed on public off-highway vehicle land or a beach. This would apply only to an offense committed on or after the bill's effective date.

Financial responsibility requirement. HB 1548 would exempt an off-highway vehicle from the statutory requirement to establish financial responsibility through certain insurance policies or bonds.

The bill would take effect September 1, 2019.