

By: Murphy

H.B. No. 3103

Substitute the following for H.B. No. 3103:

By: Pickett

C.S.H.B. No. 3103

A BILL TO BE ENTITLED

AN ACT

relating to the registration and operation of golf carts and utility vehicles; authorizing a fee; amending and adding provisions subject to a general criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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 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.

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.

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 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.

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.

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

1                   (B) for which a county or municipality has  
2 approved a plat; or

3                   (2) on a public or private beach.

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

7           Sec. 551.454. OPERATION IN MUNICIPALITIES AND CERTAIN  
8 COUNTIES. (a) In addition to the operation authorized by Section  
9 551.453, the governing body of a municipality may allow an operator  
10 to operate a commercial utility vehicle on all or part of a public  
11 highway that:

12                   (1) is in the corporate boundaries of the  
13 municipality; and

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

16           (b) In addition to the operation authorized by Section  
17 551.453, the commissioners court of a county described by  
18 Subsection (c) may allow an operator to operate a commercial  
19 utility vehicle on all or part of a public highway that:

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

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

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

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

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

1 of Mexico; or

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

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

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

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

9 (1) headlamps;

10 (2) taillamps;

11 (3) reflectors;

12 (4) parking brake; and

13 (5) mirrors.

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

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

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

1 before that date.

2       SECTION 7. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2015.