

ORDINANCE NO. 232

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF BEVIL OAKS WHICH IS AN ORDINANCE REGULATING COMMERCIAL TRUCK TRAFFIC ON STREETS WITHIN THE CITY OF BEVIL OAKS, PROVIDING DEFINITIONS, ALLOWING FOR PICKUP OR DELIVERY, SANITATION SERVICES, PERMITTED LOADS WITH BOND/INSURANCE PROTECTION, PROVIDING PENALTIES, REPEALING ALL ORDINANCES IN CONFLICT AND EFFECTIVE DATE.

WHEREAS, truck traffic on the streets of Bevil Oaks has caused damage to the streets and said damage poses a danger to the Citizens of Bevil Oaks;

WHEREAS, the City Council of the City of Bevil Oaks desires to regulate truck traffic within the City;

WHEREAS, the City Council of the City of Bevil Oaks has found that regulating the presence of large load-type vehicles will positively impact the safety of its citizens and

WHEREAS, the City Council of the City of Bevil Oaks had concluded that controlling commercial traffic in the City's residential neighborhoods will improve the residents' quality of life.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bevil Oaks:

SECTION 1: DEFINITIONS

The following words and phrases when used in this ordinance, shall, for the purpose of this ordinance, have the meanings respectively ascribed to them as follows:

Truck: Every commercial motor vehicle designed, used or maintained primarily for the transportation of property, and designed for, or having greater than a gross weight of 54,000 lbs, axle weight of 20,000 lbs or a 10,000 lb single wheel load.

Oversize load: An oversize load is defined as a load in excess of eighty thousand (80,000) pounds total weight, or twenty thousand (20,000) pounds on any axle, or thirty-four thousand (34,000) pounds on any tandem axle, or more than eight (8) feet six (6) inches in width, or above fourteen (14) feet in height, or above sixty-five (65) feet in total length including the vehicle.

Pole Trailer: Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, logs or structural members capable, generally of sustaining themselves as beams between the supporting connections.

Semi-trailer: Every vehicle without motive power, other than pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Trailer: Every vehicle without motive power, other than a pole trailer designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle except for the towing connection.

Truck Tractor: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Truck Traffic: The operation of any commercial truck or any combination of a truck tractor, trailer, semi-trailer or pole trailer.

Utilities: For the purpose of this ordinance, utilities is defined as services that provide electricity, natural gas, water and sewer, telephone and cable television to the citizens of the City of Bevil Oaks.

SECTION 2: Truck routes:

For the purpose of this ordinance, those streets and thoroughfares within the corporate limits of the City of Bevil Oaks which are enumerated as follows are hereby designated as truck routes, including trucks moving oversize loads:

ROUTE
State Highway 105

EXTENT
Entire extent within corporate limits of the City

SECTION 3: Trucks confined thereto: exception to family vehicles

No person, firm, company, or corporation shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the corporate limits of the City of Bevil Oaks, Texas except on those which are designated as truck routes in Section 2 hereinabove; provided that, where any truck is the sole transportation of a family, it may be operated on any public thoroughfare within the City of Bevil Oaks, Texas when absolutely empty of any type of cargo and for family transportation exclusively.

SECTION 4: Trucks confined thereto: exception to utilities and sanitation vehicles

No person, firm, company, or corporation shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the corporate limits of the City of Bevil Oaks, Texas except on those which are designated as truck routes in Section 2 hereinabove; provided that, any truck owned and operated by a utilities or sanitation company contracted with the City of Bevil Oaks for the purpose of utilities maintenance and garbage collection, it may be operated on any public thoroughfare within the City of Bevil Oaks, Texas during the course of routine utilities maintenance or garbage collection exclusively.

SECTION 5: Trucks confined thereto: exception to permitted vehicles with appropriate bond or insurance using approved routes.

(a) No person, firm, company, or corporation ("person") shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the corporate limits of the City of Bevil Oaks, Texas unless it obtains a permit from a City Code Enforcement Officer that contains the following information and confirmation of the following action(s):

1. Approved Route(s) by street denoting ingress and egress from the site and the City of Bevil Oaks.
2. Approval for number of loads (the authorizing official may enumerate a specific amount of times the routes may be used by the truck before re-authorizing the permit for additional loads)
3. Approved times of operations permitted for Trucks on City roads.
4. Name and Address of Primary Company and any Sub-contracting Company performing work (with cellular phone numbers for immediate daytime access)
5. File a surety bond with the Code Enforcement Officer, or his designee which bond would protect the City against damages to its property, including but not limited to streets, curbs, gutters and sidewalks; or, in the alternative, provide insurance coverage in the minimum amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) covering damage to the same properties whether such damage is due to the negligence of insured parties or typical use by Trucks. Submission of certificates of insurance coverage or related documents pertaining to insurance coverage shall be an affirmative representation and warranty by the person (requesting or using a permit) that the insurance coverage adequately and appropriately protects the City from damage to its property including but not limited to streets, curbs, gutters and sidewalks whether such damage is due to the negligence of insured parties or typical use by Trucks.
6. Certification that oversize loads shall not be moved, parked, unloaded or otherwise maneuvered on City roads.

(b) Such a permit must accompany each load the truck makes and be available at all times while the load is operating within the City limits. The truck operator shall keep a log of each trip within the City that is available for inspection and copying upon request.

(c) Permits shall be issued for the following time periods at the following fees:

<u>Time Period</u>	<u>Fee</u>
Single move	\$50.00
1 month	\$150.00
3 months	\$250.00
6 months	\$350.00
1 year	\$500.00

(d) The Code Enforcement Officer or his designee is hereby authorized to promulgate regulations and forms concerning application, times of operation, methods of operation, involvement with third party engineers or persons knowledgeable regarding road maintenance and repair, escort requirements, notification of utility companies and other relevant requirements, and may issue permits with specific requirements related to the load and its proposed route of travel.

SECTION 6: Pick-up and Delivery

Truck traffic restricted to truck routes may depart from such truck routes when it is necessary to load or unload at locations situated off designated truck routes. Provided, however, such truck traffic shall leave any designated truck route which is nearest the applicable place of loading or unloading by the most direct route possible.

SECTION 7: Erection of Signs

The Mayor shall cause to be erected appropriate signs and markings advising motorists of truck traffic restrictions established by this ordinance, but it is specifically provided that the absence of such signage and markings shall not affect the validity of this ordinance or the enforcement of the provisions hereof.

SECTION 8: Criminal Penalty and/or Civil Liability

Any person, firm, company or corporation who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed two hundred dollars (\$200.00) and each such offense shall be deemed to be a separate violation and punishable as a second offense. Further, any such person(s), firm(s), company(ies) or corporation(s) is fully liable for damages to its property, including but not limited to streets, curbs, gutters and sidewalks.

SECTION 9: Repealing Clause

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 10: Effective Date

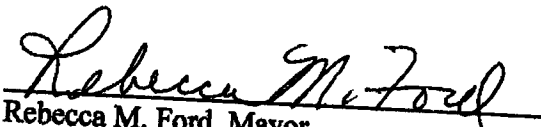
That the present ordinances of the City of Bevil Oaks are inadequate in providing for the proper regulation of commercial motor vehicles on City streets, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this Ordinance shall be effective from and after its passage and the publication of the caption of this Ordinance.

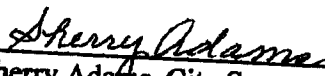
SECTION 11: Severability

That if any section, subsection, sentence, clause or phrase of the Ordinance, or the application of the same to particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portions of this Ordinance and to such end the various portion and provisions of this Ordinance are declared to be severable.

PASSED AND APPROVED AND EFFECTIVE FROM this 27th day of June, 2011.

ATTEST:


Rebecca M. Ford, Mayor
City of Bevil Oaks, Texas


Sherry Adams, City Secretary
City of Bevil Oaks

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 551A. OFF-HIGHWAY VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 551A.001. DEFINITIONS. In this chapter:

- (1) "All-terrain vehicle" means a motor vehicle that is:
 - (A) equipped with a seat or seats for the use of:
 - (i) the rider; and
 - (ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
 - (B) designed to propel itself with three or more tires in contact with the ground;
 - (C) designed by the manufacturer for off-highway use;
 - (D) not designed by the manufacturer primarily for farming or lawn care; and
 - (E) not more than 50 inches wide.

Text of subdivision as amended by Acts 2019, 86th Leg., R.S., Ch. 1079
(H.B. 1755), Sec. 11

- (1-b) "Off-highway vehicle" means:
 - (A) an all-terrain vehicle or recreational off-highway vehicle, as those terms are defined by Section 502.001;
 - (B) a sand rail; or
 - (C) a utility vehicle.

Text of subdivision as amended by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B.
616), Sec. 8.015

- (1-b) "Commission" means the Texas Commission of Licensing and Regulation.
- (1-c) "Department" means the Texas Department of Licensing and Regulation.

(1-d) "Off-highway vehicle" means:

(A) an all-terrain vehicle or recreational off-highway vehicle, as those terms are defined by Section 502.001; or

(B) a utility vehicle.

(2) "Beach" means a beach area, publicly or privately owned, that borders the seaward shore of the Gulf of Mexico.

Text of subdivision as transferred, redesignated, and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25

(3) "Off-highway vehicle" means an all-terrain vehicle, recreational off-highway vehicle, or utility vehicle.

Text of subdivision as added by Acts 2019, 86th Leg., R.S., Ch. 1079 (H.B. 1755), Sec. 11

(3) "Sand rail" means a vehicle, as defined by Section 502.001, that:

(A) is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes;

(B) has a tubular frame, an integrated roll cage, and an engine that is rear-mounted or placed midway between the front and rear axles of the vehicle; and

(C) has a gross vehicle weight, as defined by Section 541.401, of:

(i) not less than 700 pounds; and

(ii) not more than 2,000 pounds.

(4) "Public off-highway vehicle land" means land on which off-highway recreation is authorized under Chapter 29, Parks and Wildlife Code.

(5) "Recreational off-highway vehicle" means a motor vehicle that is:

(A) equipped with a seat or seats for the use of:

(i) the rider; and

(ii) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;

(B) designed to propel itself with four or more tires in contact with the ground;

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

(D) not designed by the manufacturer primarily for farming or lawn care.

(6) "Utility vehicle" means a motor vehicle that is not a golf cart, as defined by Section 551.401, 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 115, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. 2553), Sec. 15, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 131 (S.B. 487), Sec. 2, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 4, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 3, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 4, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 22(2), eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.015, eff. September 1, 2020.

Acts 2019, 86th Leg., R.S., Ch. 1079 (H.B. 1755), Sec. 11, eff. September 1, 2019.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

Sec. 551A.002. NONAPPLICABILITY OF CERTAIN OTHER LAWS. (a) Chapter 521 does not apply to the operation or ownership of an off-highway vehicle on public off-highway vehicle land.

(b) Chapter 1001, Education Code, 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.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 472, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 5, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 5, eff. September 1, 2017.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

SUBCHAPTER B. OFF-HIGHWAY VEHICLE OPERATOR EDUCATION AND CERTIFICATION FOR OPERATION ON PUBLIC LAND OR BEACH

Sec. 551A.011. ADMINISTRATION OF PROGRAM. The department shall administer an off-highway vehicle operator education and certification program and enforce the laws governing the program.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 7, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.016, eff. September 1, 2020.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

Sec. 551A.012. PURPOSE OF PROGRAM. The purpose of the off-highway vehicle operator education and certification program is to make available courses in basic training and safety skills relating to the operation of off-highway vehicles and to issue safety certificates to operators who successfully complete the educational program requirements or pass a test established under the program.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 8, eff. September 1, 2017.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

Sec. 551A.013. PROGRAM STANDARDS. (a) The department shall supervise the off-highway vehicle operator education and certification program and shall determine:

- (1) locations at which courses will be offered;
- (2) fees for the courses;
- (3) qualifications of instructors;
- (4) course curriculum; and
- (5) standards for operator safety certification.

(b) In establishing standards for instructors, curriculum, and operator certification, the department shall consult and be guided by standards established by recognized off-highway vehicle safety organizations.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 9, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.017, eff. September 1, 2020.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

Sec. 551A.014. CONTRACTS. To administer the education program and certify off-highway vehicle operators, the department may contract with nonprofit safety organizations, nonprofit educational organizations, institutions of higher education, or agencies of local governments.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 10, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.018, eff. September 1, 2020.

Sec. 551A.015. TEACHING AND TESTING METHODS.

(a) If the department determines that vehicle operation is not feasible in a program component or at a particular program location, the operator education and certification program for persons who are at least

14 years of age may use teaching or testing methods that do not involve the actual operation of an off-highway vehicle.

(b) An operator safety certificate may not be issued to a person younger than 14 years of age unless the person has successfully completed a training course that involves the actual operation of an off-highway vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 11, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.019, eff. September 1, 2020.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

Sec. 551A.016. FEE FOR COURSE. A person may charge, for a course under the off-highway vehicle operator education and certification program, a fee that is reasonably related to the costs of administering the course.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 12, eff. September 1, 2017.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

Sec. 551A.017. DENIAL, SUSPENSION, OR CANCELLATION OF APPROVAL. (a) The executive director or commission may deny, suspend, or cancel its approval for a program sponsor to conduct or for an instructor to teach a course offered under this chapter if the applicant, sponsor, or instructor:

- (1) does not satisfy the requirements established under this chapter to receive or retain approval;
- (2) permits fraud or engages in fraudulent practices with reference to an application to the department;
- (3) induces or countenances fraud or fraudulent practices by a person applying for a driver's license or permit;
- (4) permits or engages in a fraudulent practice in an action between the applicant or license holder and the public; or
- (5) fails to comply with rules of the department.

(b) Before the executive director or commission may deny, suspend, or cancel the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

- (1) Chapter 2001, Government Code; and
- (2) Chapter 53, Occupations Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.839, eff. Sept. 1, 2001.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.020, eff. September 1, 2020.

Sec. 551A.018. RULES. The commission may adopt rules to administer this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.021, eff. September 1, 2020.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

Sec. 551A.019. EXEMPTIONS. The commission by rule may temporarily exempt the residents of any county from Section 551A.015 or from Section 551A.031 (b) (1) until the appropriate education and certification program is established at a location that is reasonably accessible to the residents of that county.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.022, eff. September 1, 2020.

Transferred, redesignated and amended by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 25, eff. June 14, 2019.

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

Sec. 551A.031. OPERATION ON PUBLIC LAND OR BEACH; SAFETY CERTIFICATE REQUIRED. (a) A person may not operate an off-highway vehicle on land owned or leased by the state or a political subdivision of the state that is not open to vehicular traffic unless:

- (1) the land is public off-highway vehicle land; and
- (2) the operation is in compliance with:
 - (A) this chapter; and
 - (B) Chapter 29, Parks and Wildlife Code.

(b) A person may not operate an off-highway vehicle on public off-highway vehicle land or a beach unless the person:

- (1) holds a safety certificate issued under this chapter or under the authority of another state;
- (2) is taking a safety training course under the direct supervision of a certified off-highway vehicle safety instructor; or
- (3) is under the direct supervision of an adult who holds a safety certificate issued under this chapter or under the authority of another state.

(c) A person to whom a safety certificate required by Subsection (b) has been issued shall:

- (1) carry the certificate when the person operates an off-highway vehicle on public off-highway vehicle land or a beach; and
- (2) display the certificate at the request of any law enforcement officer.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 6, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 14, eff. September 1, 2017.

Transferred, redesignated and amended from Transportation Code, Section 663.031 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 27, eff. June 14, 2019.

Sec. 551A.032. OPERATION ON PUBLIC OFF-HIGHWAY VEHICLE LAND BY PERSON YOUNGER THAN 14. A person younger than 14 years of age who is operating an off-highway vehicle on public off-highway vehicle land must be accompanied by and be under the direct supervision of:

- (1) the person's parent or guardian; or
- (2) an adult who is authorized by the person's parent or guardian.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 15, eff. September 1, 2017.

Transferred, redesignated and amended from Transportation Code, Section 663.032 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 27, eff. June 14, 2019.

Sec. 551A.033. OPERATION ON BEACH. (a) A person may operate an off-highway vehicle on a beach only as provided by this section.

(b) A person operating an off-highway vehicle on a beach must hold and have in the person's possession a driver's license.

(c) Except as provided by Chapters 61 and 63, Natural Resources Code, an operator of an off-highway vehicle may drive the vehicle on a beach that is open to motor vehicle traffic.

(d) Except as provided by Chapters 61 and 63, Natural Resources Code, a person who is authorized to operate an off-highway vehicle that is owned by the state, a county, or a municipality may drive the vehicle on any beach if the vehicle is registered under Section 502.140(c).

(e) The Texas Department of Transportation or a county or municipality may prohibit the operation of an off-highway vehicle on a beach if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Added by Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 11, eff. September 1, 2013.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 21, eff. September 1, 2017.

Transferred, redesignated and amended from Transportation Code, Section 663.0371 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 27, eff. June 14, 2019.

Sec. 551A.034. CROSSING HIGHWAY AT POINT OTHER THAN INTERSECTION.

(a) The operator of an off-highway vehicle may drive the vehicle across a highway that is not an interstate or limited-access highway at a point other than an intersection if the operator:

(1) brings the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;

(2) yields the right-of-way to oncoming traffic that is an immediate hazard; and

(3) makes the crossing:

(A) at an angle of approximately 90 degrees to the roadway;
(B) at a place where no obstruction prevents a quick and safe crossing; and

(C) with the vehicle's headlights and taillights lighted.

(b) Notwithstanding Subsection (a), the operator of an off-highway vehicle may drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another highway.

Transferred, redesignated and amended from Transportation Code, Sections 663.037(b) and (c) by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 28, eff. June 14, 2019.

SUBCHAPTER D. OPERATION ON HIGHWAY

Sec. 551A.051. APPLICABILITY. (a) A person may operate an off-highway vehicle on a highway only as provided by this chapter.

(b) This subchapter does not apply to the operation of an off-highway vehicle that is owned and registered as authorized by Section 502.140(c) by the state, a county, or a municipality by a person who is an authorized operator of the vehicle.

Transferred, redesignated and amended from Transportation Code, Sections 663.037(a) and (f) by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 30, eff. June 14, 2019.

Sec. 551A.052. REGISTRATION; LICENSE PLATES. (a) Except as provided by Section 502.140(c), the Texas Department of Motor Vehicles may not register an off-highway vehicle for operation on a highway regardless of whether any alteration has been made to the vehicle.

(b) An operator may operate an unregistered off-highway vehicle on a highway in a manner authorized by this subchapter only if the vehicle displays a license plate issued under this section.

(c) The Texas Department of Motor Vehicles:

(1) shall by rule establish a procedure to issue license plates for unregistered off-highway vehicles; and

(2) may charge a fee not to exceed \$10 for the cost of the license plate, to be deposited to the credit of the Texas Department of Motor Vehicles fund.

(d) An off-highway vehicle license plate issued under Subsection (c) does not expire. A person who becomes the owner of an off-highway vehicle

for which the previous owner obtained a license plate may not use the previous owner's license plate.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 31, eff. June 14, 2019.

Sec. 551A.053. OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR CERTAIN COUNTIES. (a) In addition to the operation authorized by Section 551A.055, the governing body of a municipality may allow an operator to operate an unregistered off-highway vehicle on all or part of a 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 Section 551A.055, the commissioners court of a county described by Subsection (c) may allow an operator to operate an unregistered off-highway vehicle on all or part of a highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a posted 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 37,000; and
 - (B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 31, eff. June 14, 2019.

Sec. 551A.054. PROHIBITION OF OPERATION IN CERTAIN AREAS BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality may prohibit the operation of an unregistered off-highway vehicle on a highway under Section 551A.055 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) The Texas Department of Transportation may prohibit the operation of an unregistered off-highway vehicle on a highway under Section 551A.055 if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 31, eff. June 14, 2019.

Sec. 551A.055. OPERATION AUTHORIZED IN CERTAIN AREAS. An operator may operate an unregistered off-highway 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 highway for which the posted speed limit is not more than 35 miles per hour, if the off-highway vehicle is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the off-highway vehicle is usually parked and for transportation to or from a golf course.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 31, eff. June 14, 2019.

Sec. 551A.056. CROSSING INTERSECTIONS. An unregistered off-highway vehicle may cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 31, eff. June 14, 2019.

Sec. 551A.057. AGRICULTURAL OR UTILITY OPERATION ON HIGHWAY. (a) The operator of an unregistered off-highway vehicle may operate the vehicle on a highway that is not an interstate or limited-access highway if:

(1) the transportation is in connection with:

(A) the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling, or use of agricultural products, as defined by Section 52.002, Agriculture Code; or

(B) utility work performed by a utility;

(2) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;

(3) the vehicle's headlights and taillights are illuminated;

- (4) the operation of the vehicle occurs in the daytime; and
- (5) the operation of the vehicle does not exceed a distance of 25 miles from the point of origin to the destination.

(b) Notwithstanding Section 551A.052, an off-highway vehicle operated under this section is not required to display a license plate.

(c) Provisions of this code regarding helmet and eye protection use, safety certification, and other vehicular restrictions do not apply to the operation of an off-highway vehicle under this section.

Reenacted, transferred, redesignated and amended from Transportation Code, Section 663.037(d) by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 32, eff. June 14, 2019.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 33, eff. June 14, 2019.

Sec. 551A.058. LAW ENFORCEMENT OPERATION. (a) A peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, may operate an unregistered off-highway vehicle on a highway that is not an interstate or limited-access highway if:

- (1) the transportation is in connection with the performance of the operator's official duty;
- (2) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level;
- (3) the vehicle's headlights and taillights are illuminated; and
- (4) the operation of the vehicle does not exceed a distance of 10 miles from the point of origin to the destination.

(b) Notwithstanding Section 551A.052, an off-highway vehicle operated under this section is not required to display a license plate.

Reenacted, transferred, redesignated and amended from Transportation Code, Section 663.037(g) by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 32, eff. June 14, 2019.

Sec. 551A.059. FLAG STANDARDS. The commission shall adopt standards and specifications that apply to the color, size, and mounting position of the flags required under Sections 551A.057 and 551A.058.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.024, eff. September 1, 2020.

SUBCHAPTER E. EQUIPMENT AND SAFETY REQUIREMENTS

Sec. 551A.071. REQUIRED EQUIPMENT; DISPLAY OF LIGHTS. (a) An off-highway vehicle that is operated on public off-highway vehicle land, a beach, or a highway must be equipped with:

- (1) a brake system maintained in good operating condition;
- (2) an adequate muffler system in good working condition; and
- (3) a United States Forest Service qualified spark arrester.

(b) An off-highway vehicle that is operated on public off-highway vehicle land, a beach, or a highway must display a lighted headlight and taillight:

- (1) during the period from one-half hour after sunset to one-half hour before sunrise; and
- (2) at any time when visibility is reduced because of insufficient light or atmospheric conditions.

(c) A person may not operate an off-highway vehicle on public off-highway vehicle land, a beach, or a highway if:

- (1) the vehicle has an exhaust system that has been modified with a cutout, bypass, or similar device; or
- (2) the spark arrester has been removed or modified, unless the vehicle is being operated in a closed-course competition event.

(d) The department or executive director may exempt off-highway vehicles that are participating in certain competitive events from the requirements of this section.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 7, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 16, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 8.023, eff. September 1, 2020.

Transferred, redesignated and amended from Transportation Code, Section 663.033 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 36, eff. June 14, 2019.

Sec. 551A.072. SAFETY APPAREL REQUIRED. (a) A person may not operate, ride, or be carried on an off-highway vehicle on public off-highway vehicle land, a beach, or a highway unless the person wears:

- (1) a safety helmet that complies with United States Department of Transportation standards;
- (2) eye protection; and
- (3) seat belts, if the vehicle is equipped with seat belts.

(b) Subsections (a)(1) and (2) do not apply to a motor vehicle that has four wheels, is equipped with bench or bucket seats and seat belts, and includes a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of vehicle rollover.

(c) This section does not apply to a motor vehicle that is in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the vehicle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 8, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 17, eff. September 1, 2017.

Transferred, redesignated and amended from Transportation Code, Section 663.034 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 36, eff. June 14, 2019.

Sec. 551A.073. RECKLESS OR CARELESS OPERATION PROHIBITED. A person may not operate an off-highway vehicle on public off-highway vehicle land or a beach in a careless or reckless manner that endangers, injures, or damages any person or property.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 9, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 18, eff. September 1, 2017.

Transferred, redesignated and amended from Transportation Code, Section 663.035 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 36, eff. June 14, 2019.

Sec. 551A.074. CARRYING PASSENGERS. A person may not carry a passenger on an off-highway vehicle operated on public off-highway vehicle land, a beach, or a highway unless the vehicle is designed by the manufacturer to transport a passenger.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 115, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 895 (H.B. 1044), Sec. 10, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. 1956), Sec. 19, eff. September 1, 2017.

Transferred, redesignated and amended from Transportation Code, Section 663.036 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 36, eff. June 14, 2019.

SUBCHAPTER F. CERTAIN OFFENSES

Sec. 551A.091. VIOLATION OF CHAPTER ON PUBLIC OFF-HIGHWAY VEHICLE LAND OR BEACH. An offense for a violation of this chapter committed on public off-highway vehicle land or a beach is a Class C misdemeanor.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Transferred, redesignated and amended from Transportation Code, Section 663.038 by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. 1548), Sec. 38, eff. June 14, 2019.