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AN ACT

relating to the establishment of an off-highway vehicle trail and recreational area program; providing a penalty.

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

SECTION 1. Title 3, Parks and Wildlife Code, is amended by adding Chapter 29 to read as follows:

CHAPTER 29. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL AREA PROGRAM

Sec. 29.001. DEFINITION. In this chapter, "off-highway vehicle" means:

- (1) an all-terrain vehicle, as defined by Section 663.001, Transportation Code;
- (2) an off-highway motorcycle; and
- (3) any other four-wheel drive vehicle not registered to be driven on a highway.

Sec. 29.002. ESTABLISHMENT AND OPERATION. (a) The off-highway vehicle trail and recreational area program is established under the administration of the department. The purposes of the program are to:

- (1) further the establishment of motor vehicle recreation sites under Section 90.009;
- (2) establish and maintain a public system of trails and other recreational areas for use by owners and riders of off-highway vehicles;

1 (3) improve existing trails and other recreational
2 areas open to the public for use by owners and riders of off-highway
3 vehicles; and

4 (4) foster the responsible use of off-highway
5 vehicles.

6 (b) The department shall establish and maintain trails and
7 recreational areas for use by owners and riders of off-highway
8 vehicles:

9 (1) on public land over which the department has
10 authority or on land purchased or leased by the department; or

11 (2) by making grants to federal agencies, political
12 subdivisions of this state, and nonprofit organizations under
13 Section 29.008.

14 (c) The department shall coordinate the implementation and
15 operation of the program established under this chapter with the
16 implementation and operation of the program established under
17 Section 90.009.

18 Sec. 29.003. OFF-HIGHWAY VEHICLE DECAL REQUIRED; FEE.

19 (a) Except as provided by Section 29.004, a person may not operate
20 an off-highway vehicle on a trail or in a recreational area
21 established or maintained by the department under this chapter, on
22 other public land, or on land purchased or developed under a grant
23 made under Section 29.008 or any other grant program operated or
24 administered by the department without having obtained an
25 off-highway vehicle decal.

26 (b) The fee for an off-highway vehicle decal is \$8 or an
27 amount set by the commission, whichever amount is more.

1 Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to a
2 person that is:

3 (1) acting on behalf of the United States, any state,
4 or a political subdivision of the United States or any state;

5 (2) participating in a search and rescue operation
6 under the authority or direction of a search and rescue or law
7 enforcement agency; or

8 (3) exempt under a rule adopted by the commission.

9 Sec. 29.005. ISSUANCE, DISPLAY, AND EXPIRATION OF DECAL.

10 (a) The department shall issue an off-highway vehicle decal to any
11 person whose off-highway vehicle is registered under Section
12 502.006, Transportation Code, on the payment of the fee under
13 Section 29.003(b).

14 (b) The department shall prescribe the form and manner in
15 which the decal must be issued to a person and displayed for use by
16 the person.

17 (c) A decal issued under this section is valid only during
18 the yearly period for which the decal is issued without regard to
19 the date on which the decal is acquired. A yearly period begins on
20 September 1 or another date set by the commission and extends
21 through August 31 of the next year or another date set by the
22 commission.

23 Sec. 29.006. DISPOSITION OF DECAL FEES. The department
24 shall deposit all revenue, less allowable costs, collected under
25 Section 29.005 to the credit of the off-highway vehicle trail and
26 recreational area account under Section 11.046.

27 Sec. 29.007. OTHER REVENUE. The department shall seek and

1 use funding from the federal government, including the Recreational
2 Trails Program administered by the United States Department of
3 Transportation, and other sources outside the general revenue fund
4 to identify and facilitate the development of off-highway vehicle
5 trails and recreational areas under this chapter.

6 Sec. 29.008. GRANTS. The department may make grants to
7 federal agencies, political subdivisions of this state, and
8 nonprofit organizations for the purpose of acquiring, developing,
9 and maintaining public trails or recreational areas under this
10 chapter.

11 Sec. 29.009. PENALTY. A person who violates Section 29.003
12 commits an offense that is a Class C Parks and Wildlife misdemeanor.

13 Sec. 29.010. RULES. The commission:

14 (1) shall adopt rules necessary to implement this
15 chapter; and

16 (2) may adopt rules:

17 (A) exempting certain classes of persons from the
18 requirements of Section 29.003; or

19 (B) concerning the department's use of funding
20 from sources outside the general revenue fund under Section 29.007.

21 SECTION 2. Subchapter C, Chapter 11, Parks and Wildlife
22 Code, is amended by adding Sections 11.046 and 11.047 to read as
23 follows:

24 Sec. 11.046. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL
25 AREA ACCOUNT. (a) The off-highway vehicle trail and recreational
26 area account is a separate account in the general revenue fund.

27 (b) The department shall deposit to the credit of the

1 off-highway vehicle trail and recreational area account all
2 revenue, less allowable costs, from the following sources:

- 3 (1) decal fees collected under Chapter 29;
4 (2) fines assessed against persons operating
5 off-highway vehicles in violation of Chapter 29 or any other law
6 relating to the operation of off-highway vehicles;
7 (3) all funding outside the general revenue fund
8 received by the department under Section 29.007; and
9 (4) all interest that accrues to the account.

10 Sec. 11.047. USE OF OFF-HIGHWAY VEHICLE TRAIL AND
11 RECREATIONAL AREA ACCOUNT. Money in the off-highway vehicle trail
12 and recreational area account may be used only for expenditures
13 necessary under Chapter 29 to:

- 14 (1) acquire, construct, develop, and maintain trails
15 and other recreational areas for use by owners and riders of
16 off-highway vehicles as defined by Section 29.001;
17 (2) provide access to those trails and recreational
18 areas;
19 (3) make grants under Section 29.008; and
20 (4) enforce and administer the off-highway vehicle
21 trail and recreational area program.

22 SECTION 3. The Parks and Wildlife Commission shall design
23 and make available the decal required under Section 29.003, Parks
24 and Wildlife Code, as added by this Act, not later than December 1,
25 2005.

26 SECTION 4. Section 29.009, Parks and Wildlife Code, as
27 added by this Act, takes effect January 1, 2006.

1 SECTION 5. Except as provided by Section 4 of this Act, this
2 Act takes effect September 1, 2005.

David Newburn
President of the Senate

Jim Cudde
Speaker of the House

I hereby certify that S.B. No. 1311 passed the Senate on
April 29, 2005, by the following vote: Yeas 29, Nays 0. _____

Antony Saw
Secretary of the Senate

I hereby certify that S.B. No. 1311 passed the House on
May 18, 2005, by a non-record vote. _____

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:21 AM O'CLOCK

Roger Williams
JUN 17 2005
Secretary of State