

TRANSPORTATION CODE

CHAPTER 663. ALL-TERRAIN VEHICLES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 663.001. DEFINITIONS. In this chapter:

- (1) "All-terrain vehicle" means a motor vehicle that is:
- (A) equipped with a saddle 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 four 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 for farming or lawn care.

(2) "Public property" means property owned or leased by the state or a political subdivision of the state. 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.

Sec. 663.002. NONAPPLICABILITY OF CERTAIN OTHER LAWS. (a) Except as provided by Section 663.037, Chapter 521 does not apply to the operation or ownership of an all-terrain vehicle registered for off-highway operation.

(b) Chapter 332, Acts of the 60th Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's Texas Civil Statutes), does not apply to instruction in the operation of an all-terrain 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.

SUBCHAPTER B. ALL-TERRAIN VEHICLE OPERATOR EDUCATION AND CERTIFICATION

Sec. 663.011. DESIGNATED DIVISION OR STATE AGENCY. The governor shall designate a division of the governor's office or a state agency to establish and administer an all-terrain vehicle operator education and certification program. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 663.012. PURPOSE OF PROGRAM. The purpose of the all-terrain vehicle operator education and certification program is to make available courses in basic training and safety skills relating to the operation of all-terrain 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.

Sec. 663.013. ALL-TERRAIN VEHICLE SAFETY COORDINATOR. (a) The designated division or state agency shall employ an all-terrain vehicle safety coordinator.

(b) The coordinator shall supervise the all-terrain 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.

(c) In establishing standards for instructors, curriculum, and operator certification, the coordinator shall consult and be guided by standards established by recognized all-terrain vehicle safety organizations. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 663.014. CONTRACTS. To administer the education program and certify all-terrain vehicle operators, the designated division or state agency may contract with nonprofit safety organizations, nonprofit educational organizations, or agencies of local governments. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 663.015. TEACHING AND TESTING METHODS. (a) If the all-terrain vehicle safety coordinator 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 all-terrain 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 all-terrain vehicle.

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

Sec. 663.016. FEE FOR COURSE. A person may charge, for a course under the all-terrain 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.

Sec. 663.017. DENIAL, SUSPENSION, OR CANCELLATION OF APPROVAL. (a) The designated division or state agency 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 division or agency;

(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 division or agency.

(b) Before the designated division or agency 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.

Sec. 663.018. RULES. The designated division or state agency may adopt rules to administer this chapter.

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

Sec. 663.019. EXEMPTIONS. The designated division or state agency by rule may temporarily exempt the residents of any county from Section 663.015 or from Section 663.031(a)(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.

SUBCHAPTER C. OPERATION OF ALL-TERRAIN VEHICLES

Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person may not operate an all-terrain vehicle on public property 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 all-terrain 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.

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

(1) carry the certificate when the person operates an all-terrain vehicle on public property; 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.

Sec. 663.032. OPERATION BY PERSON YOUNGER THAN 14. A person younger than 14 years of age who is operating an all-terrain vehicle 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.

Sec. 663.033. REQUIRED EQUIPMENT; DISPLAY OF LIGHTS. (a) An all-terrain vehicle that is operated on public property 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 all-terrain vehicle that is operated on public property 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 all-terrain vehicle on public property 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 coordinator may exempt all-terrain 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.

Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not operate, ride, or be carried on an all-terrain vehicle on public property unless the person wears:

(1) a safety helmet that complies with United States Department of Transportation standards; and

(2) eye protection.

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

Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A person may not operate an all-terrain vehicle on public property 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.

Sec. 663.036. CARRYING PASSENGERS. A person may not carry a passenger on an all-terrain vehicle operated on public property unless the all-terrain 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.

Sec. 663.037. OPERATION ON PUBLIC ROADWAY PROHIBITED. (a) A person may not operate an all-terrain vehicle on a public street, road, or highway except as provided by this section.

(b) The operator of an all-terrain vehicle may drive the vehicle across a public street, road, or highway that is not an interstate or limited-access highway, 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.

(c) The operator of an all-terrain 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 public street, road, or highway.

(d) The operator of an all-terrain vehicle may drive the vehicle on a public street, road, or highway that is not an interstate or limited-access highway if:

(1) the transportation is in connection with 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;

(2) the operator attaches to the back of the vehicle on top of an eight-foot-long pole a triangular orange flag;

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

(4) the operator holds a driver's license, as defined by Section 521.001;

(5) the operation of the all-terrain vehicle occurs in the daytime; and

(6) the operation of the all-terrain vehicle does not

exceed a distance of 25 miles from the point of origin to the destination.

Provisions of this code regarding helmet and eye protection use, safety certification, and other vehicular restrictions do not apply to this subsection.

(e) The director of the Department of Public Safety shall adopt standards and specifications that apply to the color, size, and mounting position of the flag required under Subsections (d)(2) and (g)(2).

(f) Except as provided by Subsection (g), this section does not apply to the operation of an all-terrain vehicle that is owned by the state, a county, or a municipality by a person who is an authorized operator of the vehicle.

(g) A peace officer may operate an all-terrain vehicle on a public street, road, or highway that is not an interstate or limited-access highway only if:

(1) the transportation is in connection with the performance of the officer's official duty;

(2) the officer attaches to the back of the vehicle on top of an eight-foot-long pole a triangular orange flag;

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

(4) the officer holds a driver's license, as defined by Section 521.001; and

(5) the operation of the all-terrain vehicle does not exceed a distance of 25 miles from the point of origin to the destination.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 472, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 483, Sec. 1, eff. Sept. 1, 2003.

Sec. 663.038. VIOLATION OF CHAPTER; OFFENSE. (a) A person commits an offense if the person violates a provision of this chapter.

(b) Except as otherwise provided by Title 6 or this title, an offense under this section is a Class C misdemeanor.

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