

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ARTICLE VI, "OPERATION OF GOLF CARTS ON PUBLIC STREETS", OF THE CITY CODE OF ORDINANCES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the changes in Texas law, Texas Transportation Code permits the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles within a municipality under certain conditions; and

**WHEREAS**, the changes in Texas law, Texas Transportation Code grants to a municipality the authority to prohibit the operation of a golf cart, a neighborhood electric vehicle, or an unregistered off-highway vehicle on a highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

**WHEREAS**, upon the recommendation of the City of Montgomery Police Department, the City Council of the City of Montgomery, Texas, agrees that establishing the regulations and prohibitions set forth in this Ordinance are necessary in the best interest of public health, safety, and welfare, and to promote orderly and safe operations of vehicles within the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:**

**SECTION 1.** That the city code of ordinances Article VI is hereby amended, such that it reads, in its entirety, as follows:

**ARTICLE VI. – OPERATION OF GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, AND OFF-HIGHWAY VEHICLES ON PUBLIC STREETS.**

**Sec. 86-200. – Purpose.**

**The purpose of this section is to protect the public health, safety, and welfare of all residents and visitors of the City of Montgomery by regulating the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles on public streets.**

**Sec. 86-205. – Definitions.**

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Daytime* means the period beginning one-half hour before sunrise and ending one -half hour after sunset as defined by Section 541.401 of the Texas Transportation Code.**

*Golf cart* means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. use on a golf course as defined by Section 551.401 of the Texas Transportation Code.

*Highway* means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel as defined by Section 541.302 of the Texas Transportation Code.

*Municipality* means the City of Montgomery, Texas.

*Neighborhood electric vehicle* means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and other complies with Federal Motor Vehicle Safety Standards 500 (49 CFR Section 571.500) as defined by Section 551.301 of the Texas Transportation Code.

*Off-highway vehicle* means an all-terrain vehicle, recreational off-highway vehicle, or utility vehicle as defined by Section 551A.001(3) of the Texas Transportation Code.

*Public street* means a publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the corporate boundaries of the city.

*Residential subdivision* means a subdivision, planned unit development, townhouse regime, or similar planned development in which all land has been divided into two or more parts and is subject to restrictions that: (a) limit a majority of the land subject to the dedicatory instruments, excluding streets, common areas, and public areas, to residential use for single-family homes, townhomes, or duplexes only; (b) are recorded in the real property records of the county in which the residential subdivision is located; and (c) require membership in a property owners' association that has authority to impose regular or special assessments on the property in the subdivision.

~~Sec. 86-206.— Golf carts permitted and restricted.~~

~~A person may operate a golf cart on a public street if:~~

- ~~(1) The maximum speed limit on the public street is 35 miles per hour or less;~~
- ~~(2) Notwithstanding subsection (1) of this section, a person is directly crossing an intersection, including a road or street that has a posted speed limit of more than 35 miles per hour, in accordance with applicable state law. Intersection means the common area at the junction of two highways, streets or roads from curb to curb.~~
- ~~(3) The person has a valid driver's license;~~
- ~~(4) The person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in the V.T.C.A., Transportation Code § 601.051;~~
- ~~(5) The person complies with all applicable federal, state, and local laws and ordinances;~~
- ~~(6) The golf cart has the following equipment:~~

- a. ~~Headlamps;~~
- b. ~~Tail lamps;~~
- c. ~~Reflectors;~~
- d. ~~A parking brake;~~
- e. ~~Mirrors; and~~
- f. ~~A slow moving vehicle emblem.~~

- (7) ~~While the golf cart is in motion, the driver and every passenger in a golf cart is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passengers of a golf cart while it is moving; and~~
- (8) ~~The person completes and signs a city supplied registration permit application form, accompanied by a fee as currently established or as hereafter adopted by resolution of the city council from time to time, along with proof of financial responsibility as required herein, which shall contain the following:~~
  - a. ~~Name, address, email address and telephone number of the owner;~~
  - b. ~~Location where the golf cart is regularly stored overnight;~~
  - c. ~~Model, make, name and golf cart identification number;~~
  - d. ~~Current driver's license number of the owner;~~
  - e. ~~Statement that the registration permit holder and any user shall indemnify and hold harmless the city for any and all civil liability associated with said registration, and waives any and all rights to sue or allow subrogation by an insurance company.~~

**Sec. 86-206. – License plates.**

A person may operate a golf cart or an unregistered off-highway vehicle on a highway in a manner authorized by this section only if the vehicle displays a license plate issued by the Texas Department of Motor Vehicles.

The Texas Department of Motor Vehicles may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles. Per Transportation Code Section 551.304(b), a person is not required to register a neighborhood electric vehicle operated in compliance with Section 551.304(a).

**Sec. 86-207. - Operation authorized in certain areas.**

An operator may operate a golf cart or an unregistered off highway vehicle or a neighborhood electric vehicle:

- (1) in a master planned community:

- (A) that (for golf carts in a residential subdivision or) has in place a uniform set of restrictive covenants; and
  - (B) for which a municipality has approved a plat (for golf carts – one or more plats);
- (2) on a public or private beach that is open to vehicular traffic (except off-highway vehicle operation on public land or beach; safety certificate required Sec. 551A.031 Texas Transportation Code); or
  - (3) on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart or off-highway vehicle or neighborhood electric vehicle is operated:
    - (A) during the daytime; and
    - (B) not more than two miles (for golf carts – five miles) from the location where the golf cart or off-highway vehicle or neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

Notwithstanding Sec. 86-206, a person may operate a golf cart in a master planned community described by Sec. 86-207(1) without a golf cart license plate on a highway for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour.

A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour. A neighborhood electric vehicle may not be operated on a street or highway at a speed that exceeds the lesser of (1) the posted speed limit; or (2) 35 miles per hour.

**Sec. 86-208. – Prohibition of operation in certain areas by a municipality.**

A municipality may prohibit the operation of a golf cart or an unregistered off-highway vehicle on a highway under Section 86-207 if the governing body of the municipality determines that the prohibition is necessary in the interest of safety.

A municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety.

**Sec. 86-209. – Operation on highway authorized by municipality.**

In addition to the operation authorized by Sec. 86-207, the governing body of a municipality may allow an operator to operate a golf cart or 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.

Sec. 86-210. – Crossing intersections.

A golf cart or 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.

Sec. 86-210-1. Crossing highway at point other than intersection.

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) yield 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.

Notwithstanding, 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.

Sec. 86-211. – Equipment.

A golf cart operated under Sec. 86-209 must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

Sec. 86-211-1. – Equipment and safety requirements.

An off-highway vehicle that is operated on a highway must be equipped per Transportation Code Chapter 551A.071.

Sec. 86-212. – Additional equipment requirements for slow-moving vehicles.

A golf cart, neighborhood electric vehicle, or off-highway vehicle that is operated at a speed of not more than 25 miles per hour is required to display a slow-moving vehicle emblem when it is operated on a highway. (Transportation Code 547.703(d))

**Sec. 86-213. – Driver’s license requirement.**

Pursuant to the Texas Attorney General’s office, KP-0364, that the requirement to possess a driver’s license to operate a vehicle on a public roadway applies to the operation of golf carts and off-highway vehicles while on a public road. Yes, an operator of a golf cart or off-highway vehicle must possess a valid driver’s license (or learner’s permit with adult present) to operate either vehicle on a public roadway.

**Sec. 86-214 – Exception to financial responsibility requirement.**

Texas Transportation Code Section 601.051 states that a person may not operate a motor vehicle in this state unless financial responsibility is established for that vehicle. Texas Transportation Code Section 601.052 states that Section 601.051 does not apply to:

- (1) a neighborhood electric vehicle that is operated only as authorized by Texas Transportation Code Section 551.304;
- (2) a golf cart that is operated only as authorized by Section 551.403
- (3) an off-highway vehicle that is operated only as authorized by Subchapter C, of the Texas Transportation Code Section 551A or Chapter 29 Parks and Wildlife Code.

**State Law references** – Amended by: *Texas Statutes, Transportation Code, HB 1548 06.14.2019; Texas Statutes, Transportation Code, HB 1281 06.15.2021.*

**SECTION 2.** This amendment as codified in Article VI of the City Code, shall prevail and all other ordinances in conflict are hereby repealed to the extent of any conflict.

**SECTION 3.** This ordinance shall take effect immediately upon its passage and adoption.

Passed and adopted by the City Council of the City of Montgomery, Texas this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Byron Sanford, Mayor

Attest:

\_\_\_\_\_  
Nicola Browe, City Secretary

Approved as to form:

\_\_\_\_\_  
Alan P. Petrov, City Attorney



## CITY OF MONTGOMERY

101 Old Plantersville Road  
Montgomery, TX 77316  
Tel: 936-597-6434  
Fax: 936-597-6437

### GOLF CARTS AND MOST OTHER OFF-HIGHWAY VEHICLES

Texas law now allows golf carts and most other off-highway vehicles to be operated on public roadways. **However**, to legally operate these vehicles, their operation is restricted to certain conditions and requirements. Note: An “off-highway vehicle” includes ATVs, ROVs, UTVs, and sand rails.



#### Requirements to operate:

- Vehicles must display a license plate issued by TXDMV.
- A vehicle operated at a speed of less than 25 miles per hour is required to display a slow-moving vehicle emblem.
- All traffic laws pertaining to the movement and operation of regular motor vehicles apply and must be obeyed.
- The operator must possess a valid driver’s license (or learner’s permit with an adult present).



#### A person may operate a golf cart or off-highway vehicle:

- In a master planned community (for golf carts in a residential subdivision or) has in place a uniform set of restrictive covenants; and has an approved plat.
- A public or private beach open to vehicular traffic (off-highway vehicles with safety certifications).
- A public roadway with a posted speed limit not more than 35 miles per hour, operated during the daytime, and not more than 2 miles (5 miles for golf carts) from the location where the vehicle is usually parked and for transportation to or from the golf course.



## **UNIQUE VEHICLES – Golf Carts**

(<https://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/unique-vehicles>)

Unique vehicles include off-highway vehicles, Golf Carts, and Neighborhood Electric Vehicles (NEVs). Off-highway vehicles include All-Terrain Vehicles (ATVs), Recreational Off-Highway Vehicles (ROVs), Utility Vehicles (UTVs), and Sand Rails.

A Golf Cart is a motor vehicle designed by the manufacturer primarily for use on a golf course. TxDMV does not title and register Golf Carts, but Golf Carts are eligible to receive a Golf Cart license plate. You may obtain a Golf Cart license plate from your county tax assessor-collector's office. The county will require a [Form 130-U Application for Texas Title and/or Registration](#).

### **Golf Carts with a Golf Cart license plate may be operated on roads in the following situations:**

- In a master planned community with a uniform set of restrictive covenants and a county or municipality approved plat
- On a public or private beach that is open to vehicular traffic
- On a highway with a posted speed limit of 35 mph, during the daytime and not more than two miles from the location where it is usually parked for transportation to and from a golf course
- To cross intersections, including an intersection with a highway that has a posted speed limit of more than 35 mph.

### **Golf Carts must have the following minimum equipment:**

- Headlamps
- Tail lamps
- Reflectors
- Parking brake
- Mirrors

Additionally, cities or certain counties may authorize operation of Golf Carts on roads within the boundaries of the city or within unincorporated areas of certain counties. The Golf Cart must display a Golf Cart license plate when operated on roads authorized by the city or county. Operation may be authorized only on roads with a speed limit of 35 mph or less.

If operated on the roads at a speed of 25 mph or less, a Golf Cart is required to display a slow-moving vehicle emblem.



# Application for Texas Title and/or Registration

Applying for (please check one):						TAX OFFICE USE ONLY		
<input type="checkbox"/> Title & Registration <input type="checkbox"/> Title Only <input type="checkbox"/> Registration Purposes Only <input type="checkbox"/> Nontitle Registration						County: _____		
For a corrected title or registration, check reason:						Doc #: _____		
<input type="checkbox"/> Vehicle Description <input type="checkbox"/> Add/Remove Lien <input type="checkbox"/> Other: _____						<input type="checkbox"/> SPV <input type="checkbox"/> Appraisal Value \$ _____		
1. Vehicle Identification Number		2. Year	3. Make	4. Body Style	5. Model	6. Major Color	7. Minor Color	
8. Texas License Plate No.	9. Odometer Reading (no tenths)	10. This is the Actual Mileage unless the mileage is: <input type="checkbox"/> Not Actual <input type="checkbox"/> Exceeds Mechanical Limits <input type="checkbox"/> Exempt			11. Empty Weight		12. Carrying Capacity (if any)	
13. Applicant Type <input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Trust <input type="checkbox"/> Non-Profit						14. Applicant Photo ID Number or FEIN/EIN		
15. ID Type <input type="checkbox"/> U.S. Driver License/ID Card (issued by: _____) <input type="checkbox"/> NATO ID <input type="checkbox"/> U.S. Dept. of State ID <input type="checkbox"/> Passport (issued by: _____) <input type="checkbox"/> U.S. Military ID <input type="checkbox"/> U.S. Dept. of Homeland Security ID <input type="checkbox"/> U.S. Citizenship & Immigration Services/DOJ ID <input type="checkbox"/> Other Military Status of Forces Photo ID								
16. Applicant First Name (or Entity Name)		Middle Name	Last Name		Suffix (if any)			
17. Additional Applicant First Name (if applicable)		Middle Name	Last Name		Suffix (if any)			
18. Applicant Mailing Address		City	State	Zip	19. Applicant County of Residence			
20. Previous Owner Name (or Entity Name)		City	State	21. Dealer GDN (if applicable)	22. Unit No. (if applicable)			
23. Renewal Recipient First Name (or Entity Name) (if different)		Middle Name	Last Name		Suffix (if any)			
24. Renewal Notice Mailing Address (if different)		City	State	Zip				
25. Applicant Phone Number (optional)		26. Email (optional)		27. Registration Renewal eReminder <input type="checkbox"/> Yes (Provide Email in #26)		28. Communication Impediment? <input type="checkbox"/> Yes (Attach Form VTR-216)		
29. Vehicle Location Address (if different)		City	State	Zip				
30. Multiple (Additional) Liens <input type="checkbox"/> Yes (Attach Form VTR-267)		31. Electronic Title Request <input type="checkbox"/> Yes (Cannot check #30)		32. Certified/eTitle Lienholder ID Number (if any)		33. First Lien Date (if any)		
34. First Lienholder Name (if any)		Mailing Address	City	State	Zip			
35. Check only if applicable: <b>MOTOR VEHICLE TAX STATEMENT</b>								
<input type="checkbox"/> I hold Motor Vehicle Retailer (Rental) Permit No. _____ and will satisfy the minimum tax liability (V.A.T.S., Tax Code §152.046[c])								
<input type="checkbox"/> I am a dealer or lessor and qualify to take the Fair Market Value Deduction (V.A.T.S., Tax Code, §152.002[c]). GDN or Lessor Number _____								
36. Trade-In (if any)		Year	Make	Vehicle Identification Number		37. Additional Trade-In(s) <input type="checkbox"/> Yes		
<input type="checkbox"/> Yes (Complete)								
38. Check only if applicable: <b>SALES AND USE TAX COMPUTATION</b>								
<input type="checkbox"/> (a) Sales Price (\$ _____ rebate has been deducted)		\$ _____		<input type="checkbox"/> \$90 New Resident Tax – (Previous State) _____				
(b) Less Trade-in Amount, described in Box 36 above		\$ ( _____ )		<input type="checkbox"/> \$5 Even Trade Tax				
(c) For Dealers/Lessors/Rental ONLY – Fair Market Value Deduction, described in Box 36 above		\$ ( _____ )		<input type="checkbox"/> \$10 Gift Tax – Attach Comptroller Form 14-317				
(d) Taxable Amount (Item a minus Item b or Item c)		\$ _____		<input type="checkbox"/> \$65 Rebuilt Salvage Fee				
(e) 6.25% Tax on Taxable Amount (Multiply Item d by .0625)		\$ _____		<input type="checkbox"/> 2.5% Emissions Fee (Diesel Vehicles 1996 and Older > 14,000 lbs.) _____				
(f) Late Tax Payment Penalty <input type="checkbox"/> 5% or <input type="checkbox"/> 10%		\$ _____		<input type="checkbox"/> 1% Emissions Fee (Diesel Vehicles 1997 and Newer > 14,000 lbs.) _____				
(g) Tax Paid to _____ (STATE)		\$ _____		<input type="checkbox"/> Exemption claimed under the Motor Vehicle Sales and Use Tax Law because: _____				
(h) AMOUNT OF TAX AND PENALTY DUE (Item e plus Item f minus Item g)		\$ _____		<input type="checkbox"/> \$28 or \$33 Application Fee for Texas Title (Contact your county tax assessor-collector for the correct fee.)				
<b>CERTIFICATION – State law makes falsifying information a third degree felony</b>								
I hereby certify all statements in this document are true and correct to the best of my knowledge and belief, and I am eligible for title and/or registration (as applicable).								
<input type="checkbox"/> (Check only if applicable) I certify I am applying for a corrected title and the original Texas Certificate of Title is lost or destroyed.								
Signature(s) of Seller(s), Donor(s), or Trader(s)		Printed Name(s) (Same as Signature(s))		Date				
Signature of Applicant/Owner		Printed Name (Same as Signature)		Date				
Signature(s) of Additional Applicant(s)/Owner(s)		Printed Name(s) (Same as Signature(s))		Date				

# Application for Texas Title and/or Registration

## General Instructions

With a few exceptions, you are entitled to be informed about the information the department collects about you. The Texas Government Code entitles you to receive and review the information and to request that the department correct any information about you that is incorrect. Please contact the Texas Department of Motor Vehicles at 1-888-368-4689 or 512-465-3000 for details.

This form must be completed and submitted to a county tax assessor-collector's office accompanied by any required application fee, supporting documents, registration fee, if applicable, and any motor vehicle tax due. An application form may be reproduced or faxed. A completed form must contain the original signature of the buyer. The seller's signature may be reproduced or faxed. All title applications must include one of the government-issued photo IDs listed in Box 15. Detailed instructions for completing this form are located in the *Detailed Instructions for Application for Texas Title and/or Registration* (Form VTR-130-UIF).

### AVAILABLE HELP

- For assistance in completing this form, contact your county tax assessor-collector.
- For information about motor vehicle sales and use tax or emission fees, contact the Texas Comptroller of Public Accounts, Tax Assistance Section, at 1-800-252-1382 toll free nationwide or call 512-463-4600.
- For title or registration information, contact your county tax assessor-collector or the Texas Department of Motor Vehicles at 1-888-368-4689 or 512-465-3000.

## Additional Details

**Title Only:** License plates and registration insignia previously issued for this motor vehicle must be surrendered in accordance with Transportation Code §501.0275, if applicable, unless this vehicle displays a license plate under an applicable status of forces agreement. The following types of vehicles are not eligible for Title Only: construction machinery (unconventional vehicles), water well drilling units, machinery used exclusively for drilling water wells, construction machinery not designed to transport persons or property, implements of husbandry, farm equipment (including combines), golf carts, slow moving vehicles, or any vehicle with a suspended or revoked title.

**Registration Purposes Only:** Do not surrender an original out of state title with this application. A Texas title will NOT be issued for a vehicle applying for Registration Purposes Only. The receipt issued upon filing this application will serve as the registration receipt and proof of application for Registration Purposes Only.

• **Foreign Vehicles:** Foreign vehicles applying for Registration Purposes Only must attach DOT Form HS-7 or U.S. Customs Form CF-7501 to indicate the vehicle is: 1) over 25 years old, or 2) complies with Federal Motor Vehicle Safety Standards, or 3) is being imported in the United States for a temporary period by a nonresident or a member of the armed forces of a foreign country on assignment in the U.S., and does not conform to the Federal Motor Vehicle Standards and cannot be sold in the U.S.

**Nontitle Registration:** Certain trailers, farm equipment, construction machinery, oil well servicing machinery, water well drilling units, etc. are either exempt from, or not eligible for title, but are eligible for, or required to, obtain registration or a specialty plate in order to operate on the highway. Applicants should mark this box only when applicable. **Note:** A lien cannot be recorded on this type of application.

**Out of State Vehicles:** If the applicant certifies the vehicle is located out of state, self-certification of the Vehicle Identification Number (VIN) is allowed if a VIN verification form issued by a Texas state-approved safety inspection station is not included with the submission of this application. See *Vehicle Identification Number Certification* (Form VTR-270) for more information.

## Notice

- The sales and use tax must be paid to the county tax assessor-collector within 30 days from the date of purchase or entry of the vehicle into Texas.
- A \$2.50 transfer fee is paid to transfer current registration to the new owner in addition to the title application fee and other applicable fees. If the registration is not current, full registration fees are due unless applying for Title Only.
- A 6.25 percent motor vehicle sales and use tax is imposed on the sales price (less trade-in allowance) of motor vehicles for use in Texas or a motor vehicle purchased outside of the state and later brought into this state by a Texas resident.
- Standard Presumptive Value (SPV) applies to private-party sales of most used motor vehicles purchased or brought into Texas. The tax is computed on the greater of the sales price or 80 percent of the SPV on the day of title application.
- New Texas residents are subject to a \$90 use tax on a vehicle brought into this state that was previously registered to the new resident in another state or foreign country. This is in lieu of the 6.25 percent use tax imposed on a Texas resident.
- A \$10 gift tax is due when a person receives a motor vehicle as a gift from an immediate family member, guardian, or a decedent's estate. A vehicle donated to, or given by, a non-profit service organization qualifying under IRC 501(c)(3) is also taxed as a gift. Both donor and recipient must sign the Comptroller's joint affidavit, *Affidavit of Motor Vehicle Gift Transfer* (Form 14-317). The affidavit and the title application must be submitted in person by either the donor or recipient.
- A transaction in which a motor vehicle is transferred to another person without payment of consideration and one that does not qualify as a gift described above is a sale and will be subject to tax calculated on the vehicle's standard presumptive value.
- A late penalty equal to 5 percent of the tax will be charged if the tax or surcharge is paid from 1 to 30 calendar days late. If more than 30 calendar days late, the penalty will be 10 percent of the tax; minimum penalty is \$1.
- In addition to the late tax payment penalty, Texas Transportation Code provides for an escalating delinquent transfer penalty of up to \$250 for failure to apply for title within 30 days from the date of title assignment. Submit this application along with proper evidence of ownership and appropriate valid proof of financial responsibility such as a liability insurance card or policy.
- All new residents applying for a Texas title and registration for a motor vehicle must file at a county tax assessor-collector's office within 30 days of establishing residency. Texas law requires that all vehicles previously registered and titled or registered in another state or country be inspected for safety and the vehicle identification number verified before such vehicles may be registered in Texas. These inspections must be made by a state appointed safety inspection station that will complete a Texas Vehicle Inspection Report. This form must be submitted to a county tax assessor-collector with your application for registration and Texas title.

## **UNIQUE VEHICLES – Off-Highway Vehicles**

(<https://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/unique-vehicles>)

Unique vehicles include off-highway vehicles, Golf Carts, and Neighborhood Electric Vehicles (NEVs). Off-highway vehicles include All-Terrain Vehicles (ATVs), Recreational Off-Highway Vehicles (ROVs), Utility Vehicles (UTVs), and Sand Rails.

The TxDMV is required to title off-highway vehicles (ATVs, ROVs, UTVs, and Sand Rails), but these vehicles are not eligible for registration. Off-highway vehicles are eligible to receive an Off-Highway Vehicle license plate, which may be obtained from your county tax assessor-collector's office. For Driver License requirements to operate any of these vehicles, contact the Texas Department of Public Safety. A [Texas Use Tax](#) will apply to vehicles purchased in other states. Find details on paying use tax visit the [Texas Comptroller website](#).

### **An All Terrain Vehicle (ATV) is a motor vehicle that:**

- Has a seat or seats for the rider and one passenger
- Has three or more tires
- Is not more than 50 inches wide
- Is designed for off-highway use
- Is not designed by the manufacturer for farm or lawn care.

### **A Recreational Off-Highway Vehicle (ROV) is a motor vehicle that:**

- Has a seat or seats for the rider and one or more passengers
- Has four or more tires
- Is designed for off-highway use
- Is not designed by the manufacturer for farm or lawn care.

### **A Utility Vehicle (UTV) is a motor vehicle that:**

- Has side by side seating for the operator and passenger
- Has four or more tires
- Is designed for off-highway use
- Is designed by the manufacturer for utility work and not for recreational purposes.

### **A Sand Rail is a motor vehicle that:**

- Is designed or built for off-highway use in sandy terrains
- Has a tubular frame
- Has an integrated roll cage
- Has an engine that is rear-mounted or placed midway between the front and rear axles
- Has a gross vehicle weight between 700 and 2,000 pounds.

### **An off-highway vehicle operated on public off-highway vehicle land must have:**

- A brake system
- A muffler system
- U.S. Forest Service qualified spark arrester
- A head light and tail light
- [An Off-Highway Vehicle decal](#) issued by the Texas Parks and Wildlife Department.

**ATVs, ROVs, UTVs and Sand Rails with an Off-Highway Vehicle license plate may be operated on roads in the following situations:**

- In a master planned community with a uniform set of restrictive covenants and a county or municipality-approved plat
- On a road with a posted speed limit of not more than 35 mph, during the daytime and not more than two miles from the location where it is usually parked for transportation to and from a golf course
- To cross intersections, including a road or street that has a posted speed limit of more than 35 mph.

Additionally, cities and certain counties may authorize operation of ATVs, ROVs, UTVs, and Sand Rails on roads within the boundaries of the city or within unincorporated areas of certain counties. The ATV, ROV, UTV and Sand Rail must display an Off-Highway Vehicle license plate when operated on roads authorized by the city or county. Operation may be authorized only on roads with a speed limit of 35 mph or less. If operated on the roads at a speed of 25 mph or less, an ATV, ROV, UTV and Sand Rail is required to display a slow-moving vehicle emblem.

**ATVs, ROVs, UTVs and Sand Rails may be operated on roads without the issuance of a license plate if the vehicle is:**

- Owned by a state, county, or municipality and operated on a public beach or highway to maintain public safety and welfare
- Operated by a farmer or a rancher during the daytime and traveling no more than 25 miles from the point of origin to the destination and used in connection with the production, cultivation, harvesting, etc., of agricultural products\*
- Operated by a public utility worker during the daytime for utility work and traveling no more than 25 miles from the point of origin to the destination\*
- Operated by a law enforcement officer, or other person who provides firefighting, ambulance, medical, or other emergency services, and traveling no more than 10 miles from the point of origin to the destination\*.

\*ATVs, ROVs, UTVs and Sand Rails operated on a road without an Off-Highway Vehicle license plate require a triangular orange flag (slow moving emblem) mounted to the back of the vehicle at least six feet above ground level and the vehicle's headlights and taillights to be illuminated.

## Buy Decals

Texas OHV decals are \$16 and are good Sept. 1 - Aug. 31 of the following year.

Revenues generated by the sale of the decals are used to create new and improve existing OHV recreation areas in Texas.

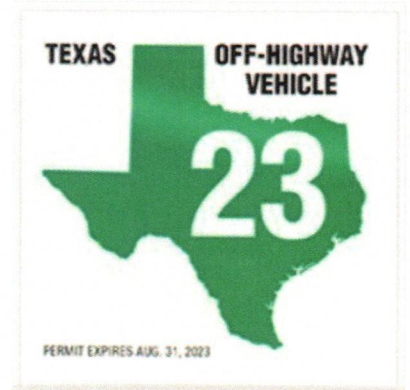
OHV decals are required by law for all individuals operating an OHV in Texas at an [OHV legal venue](#) which is located on the public lands of Texas, or on lands which have received OHV grants from the Texas Parks & Wildlife Department.

Order decals three ways:

- Call the TPWD Service Center at (512) 389-8917 Monday through Friday, 9 a.m. to 5 p.m. CST.
- [Purchase OHV decals online.](#)
- Visit an authorized dealer

## Decal purchasing locations

- [North Texas](#)
- [Southeast Texas](#)
- [Central Texas](#)
- [Far South Texas](#)
- [Northwest/Panhandle Texas](#)
- [West Texas](#)



## **UNIQUE VEHICLES – Neighborhood Electric Vehicles (NEV)**

(<https://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/unique-vehicles>)

Unique vehicles include off-highway vehicles, Golf Carts, and Neighborhood Electric Vehicles (NEVs). Off-highway vehicles include All-Terrain Vehicles (ATVs), Recreational Off-Highway Vehicles (ROVs), Utility Vehicles (UTVs), and Sand Rails.

### **A vehicle is classified as a Neighborhood Electric Vehicle (NEV) if it has:**

- A maximum speed of 35 mph
- Four tires
- Seat belts
- Head and tail lights
- A windshield
- A parking brake
- Turn signals
- Rear-view mirrors
- Brake lights
- Reflectors
- A valid 17-digit Vehicle Identification Number (VIN).

### **To title and register your NEV, take the following to your county tax assessor-collector's office:**

- Evidence of ownership, such as a Manufacturer Certificate of Origin or title
- A completed [Application for Texas Title and/or Registration \(Form 130-U\)](#)
- Proof of insurance



# Application for Texas Title and/or Registration

## General Instructions

With a few exceptions, you are entitled to be informed about the information the department collects about you. The Texas Government Code entitles you to receive and review the information and to request that the department correct any information about you that is incorrect. Please contact the Texas Department of Motor Vehicles at 1-888-368-4689 or 512-465-3000 for details.

This form must be completed and submitted to a county tax assessor-collector's office accompanied by any required application fee, supporting documents, registration fee, if applicable, and any motor vehicle tax due. An application form may be reproduced or faxed. A completed form must contain the original signature of the buyer. The seller's signature may be reproduced or faxed. All title applications must include one of the government-issued photo IDs listed in Box 15. Detailed instructions for completing this form are located in the *Detailed Instructions for Application for Texas Title and/or Registration* (Form VTR-130-UIF).

### AVAILABLE HELP

- For assistance in completing this form, contact your county tax assessor-collector.
- For information about motor vehicle sales and use tax or emission fees, contact the Texas Comptroller of Public Accounts, Tax Assistance Section, at 1-800-252-1382 toll free nationwide or call 512-463-4600.
- For title or registration information, contact your county tax assessor-collector or the Texas Department of Motor Vehicles at 1-888-368-4689 or 512-465-3000.

## Additional Details

**Title Only:** License plates and registration insignia previously issued for this motor vehicle must be surrendered in accordance with Transportation Code §501.0275, if applicable, unless this vehicle displays a license plate under an applicable status of forces agreement. The following types of vehicles are not eligible for Title Only: construction machinery (unconventional vehicles), water well drilling units, machinery used exclusively for drilling water wells, construction machinery not designed to transport persons or property, implements of husbandry, farm equipment (including combines), golf carts, slow moving vehicles, or any vehicle with a suspended or revoked title.

**Registration Purposes Only:** Do not surrender an original out of state title with this application. A Texas title will NOT be issued for a vehicle applying for Registration Purposes Only. The receipt issued upon filing this application will serve as the registration receipt and proof of application for Registration Purposes Only.

- **Foreign Vehicles:** Foreign vehicles applying for Registration Purposes Only must attach DOT Form HS-7 or U.S. Customs Form CF-7501 to indicate the vehicle is: 1) over 25 years old, or 2) complies with Federal Motor Vehicle Safety Standards, or 3) is being imported in the United States for a temporary period by a nonresident or a member of the armed forces of a foreign country on assignment in the U.S., and does not conform to the Federal Motor Vehicle Standards and cannot be sold in the U.S.

**Nontitle Registration:** Certain trailers, farm equipment, construction machinery, oil well servicing machinery, water well drilling units, etc. are either exempt from, or not eligible for title, but are eligible for, or required to, obtain registration or a specialty plate in order to operate on the highway. Applicants should mark this box only when applicable. **Note:** A lien cannot be recorded on this type of application.

**Out of State Vehicles:** If the applicant certifies the vehicle is located out of state, self-certification of the Vehicle Identification Number (VIN) is allowed if a VIN verification form issued by a Texas state-approved safety inspection station is not included with the submission of this application. See *Vehicle Identification Number Certification* (Form VTR-270) for more information.

## Notice

- The sales and use tax must be paid to the county tax assessor-collector within 30 days from the date of purchase or entry of the vehicle into Texas.
- A \$2.50 transfer fee is paid to transfer current registration to the new owner in addition to the title application fee and other applicable fees. If the registration is not current, full registration fees are due unless applying for Title Only.
- A 6.25 percent motor vehicle sales and use tax is imposed on the sales price (less trade-in allowance) of motor vehicles for use in Texas or a motor vehicle purchased outside of the state and later brought into this state by a Texas resident.
- Standard Presumptive Value (SPV) applies to private-party sales of most used motor vehicles purchased or brought into Texas. The tax is computed on the greater of the sales price or 80 percent of the SPV on the day of title application.
- New Texas residents are subject to a \$90 use tax on a vehicle brought into this state that was previously registered to the new resident in another state or foreign country. This is in lieu of the 6.25 percent use tax imposed on a Texas resident.
- A \$10 gift tax is due when a person receives a motor vehicle as a gift from an immediate family member, guardian, or a decedent's estate. A vehicle donated to, or given by, a non-profit service organization qualifying under IRC 501(c)(3) is also taxed as a gift. Both donor and recipient must sign the Comptroller's joint affidavit, *Affidavit of Motor Vehicle Gift Transfer* (Form 14-317). The affidavit and the title application must be submitted in person by either the donor or recipient.
- A transaction in which a motor vehicle is transferred to another person without payment of consideration and one that does not qualify as a gift described above is a sale and will be subject to tax calculated on the vehicle's standard presumptive value.
- A late penalty equal to 5 percent of the tax will be charged if the tax or surcharge is paid from 1 to 30 calendar days late. If more than 30 calendar days late, the penalty will be 10 percent of the tax; minimum penalty is \$1.
- In addition to the late tax payment penalty, Texas Transportation Code provides for an escalating delinquent transfer penalty of up to \$250 for failure to apply for title within 30 days from the date of title assignment. Submit this application along with proper evidence of ownership and appropriate valid proof of financial responsibility such as a liability insurance card or policy.
- All new residents applying for a Texas title and registration for a motor vehicle must file at a county tax assessor-collector's office within 30 days of establishing residency. Texas law requires that all vehicles previously registered and titled or registered in another state or country be inspected for safety and the vehicle identification number verified before such vehicles may be registered in Texas. These inspections must be made by a state appointed safety inspection station that will complete a Texas Vehicle Inspection Report. This form must be submitted to a county tax assessor-collector with your application for registration and Texas title.