

By: LaMantia, et al.
(Martinez)

S.B. No. 1670

A BILL TO BE ENTITLED

AN ACT

relating to required boating incident reports.

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

SECTION 1. Section 31.105, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.105. INCIDENT [~~ACCIDENT~~] REPORTS. (a) This section applies only to an incident that is [~~The operator of a vessel involved in~~] a collision, accident, or other casualty that results in:

(1) the death of a person;

(2) [~~or~~] injury to a person that requires medical treatment beyond the provision of first aid; or

(3) damage to property in excess of an amount set by the commission of not less than \$2,000.

(b) Not later than the 30th day after the date of an incident to which this section applies, the operator of a vessel involved in the incident shall provide [~~report~~] to a marine safety enforcement officer or game warden commissioned by the department [~~on or before the expiration of 30 days after the incident~~] a full description of the incident [~~collision, accident, or casualty~~] in accordance with regulations established by the department.

(c) A marine safety enforcement officer who in the regular course of duty investigates an incident to which this section applies shall electronically file a written report of the incident

1 with the department:

2 (1) in a form prescribed by the department; and

3 (2) not later than the 15th day after the date the
4 officer initially became aware of the incident [~~(b) The accident~~
5 ~~reports are confidential and are inadmissible in court as~~
6 ~~evidence~~].

7 (d) [~~(c)~~] On request made by an authorized official or
8 agency of the United States, any information available to the
9 department under Subsection (b) [~~(a)~~] of this section shall be sent
10 to the official or agency.

11 SECTION 2. Subchapter D, Chapter 31, Parks and Wildlife
12 Code, is amended by adding Section 31.1055 to read as follows:

13 Sec. 31.1055. RELEASE OF INCIDENT REPORTS. (a) This
14 section applies only to an incident report that is held by the
15 department or another governmental entity.

16 (b) In this section:

17 (1) "Incident" means an incident described by Section
18 31.105(a).

19 (2) "Incident report" means a written report required
20 under Section 31.105(c).

21 (c) Except as otherwise provided by this section, an
22 incident report is confidential and for the use of:

23 (1) the department; and

24 (2) an authorized official or agency of the United
25 States or a state or local governmental entity.

26 (d) On written request, the department or the governmental
27 entity shall release an incident report to:

- 1 (1) an entity described by Subsection (c);
2 (2) the law enforcement agency that employs the marine
3 safety enforcement officer who investigated the incident and filed
4 the incident report with the department, including an agent of the
5 law enforcement agency authorized by contract to obtain the
6 information;
7 (3) the court in which a case involving a person
8 involved in the incident is pending if the incident report is
9 subpoenaed; or
10 (4) a person directly concerned in the incident or
11 having an interest in the incident as:
12 (A) a person involved in the incident;
13 (B) the authorized representative of a person
14 involved in the incident;
15 (C) a vessel operator involved in the incident;
16 (D) an employer, parent, or legal guardian of a
17 vessel operator involved in the incident;
18 (E) the owner of a vessel or property damaged in
19 the incident;
20 (F) a person who has established financial
21 responsibility for a vessel involved in the incident, including a
22 policyholder of a liability insurance policy covering the vessel;
23 (G) an insurance company that issued an insurance
24 policy covering a vessel involved in the incident;
25 (H) an insurance company that issued a policy
26 covering any person involved in the incident;
27 (I) a person under contract to provide claims or

1 underwriting information to a person described by Paragraph (F),
2 (G), or (H);

3 (J) a radio or television station that holds a
4 license issued by the Federal Communications Commission;

5 (K) a newspaper that is:

6 (i) a free newspaper of general circulation
7 or qualified under Section 2051.044, Government Code, to publish
8 legal notices;

9 (ii) published at least once a week; and

10 (iii) available and of interest to the
11 general public in connection with the dissemination of news; or

12 (L) a person who may sue because of death
13 resulting from the incident.

14 (e) In addition to the information required to be released
15 under Subsection (d), the department shall publish at least
16 annually statistics derived from incident reports that relate to
17 the number, cause, and location of the reported incidents.

18 (f) The department when releasing information under
19 Subsection (d)(4)(J) or (K):

20 (1) may not release the personal identifying
21 information, as defined by Section 521.002(a), Business & Commerce
22 Code, of an individual included in an incident report; and

23 (2) shall withhold or redact:

24 (A) the address, other than zip code, and
25 telephone number of a person included in an incident report;

26 (B) the registration or hull identification
27 number of a vessel included in an incident report;

1 (C) the badge number or identification number of
2 the investigating officer;

3 (D) the date of death of a person who died as a
4 result of the incident; and

5 (E) the location to which a person injured or
6 killed in the incident was transported or the person that provided
7 the transportation.

8 (g) The amount that may be charged for information provided
9 under Subsection (d) shall be calculated in the manner specified by
10 Chapter 552, Government Code, for public information provided by a
11 governmental body under that chapter.

12 SECTION 3. Section 31.132, Parks and Wildlife Code, is
13 amended to read as follows:

14 Sec. 31.132. REPORTING PROCEDURES FOR ENFORCEMENT
15 OFFICERS. (a) Except as provided by Subsection (b), a [A] marine
16 safety enforcement officer shall provide to the department on a
17 form prescribed by the department a report of any incident the
18 officer investigates that involves a boating accident, water
19 fatality, or person who allegedly operates a boat while
20 intoxicated. The officer shall provide the report not later than
21 the 15th day after the date the officer initially became aware of
22 the incident.

23 (b) This section does not apply to an incident that is
24 required to be reported under Section 31.105(c).

25 SECTION 4. Section 31.105, Parks and Wildlife Code, as
26 amended by this Act, applies only to an incident described by
27 Subsection (a) of that section that occurs on or after the effective

1 date of this Act.

2 SECTION 5. This Act takes effect September 1, 2023.