

1-1 By: LaMantia S.B. No. 1670  
 1-2 (In the Senate - Filed March 6, 2023; March 16, 2023, read  
 1-3 first time and referred to Committee on Water, Agriculture & Rural  
 1-4 Affairs; April 17, 2023, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to required boating incident reports.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Section 31.105, Parks and Wildlife Code, is  
 1-22 amended to read as follows:  
 1-23 Sec. 31.105. INCIDENT ~~[ACCIDENT]~~ REPORTS. (a) This  
 1-24 section applies only to an incident that is ~~[The operator of a~~  
 1-25 ~~vessel involved in]~~ a collision, accident, or other casualty that  
 1-26 results in:  
 1-27 (1) the death of a person;  
 1-28 (2) [~~or~~] injury to a person that requires medical  
 1-29 treatment beyond the provision of first aid; or  
 1-30 (3) damage to property in excess of an amount set by  
 1-31 the commission of not less than \$2,000.  
 1-32 (b) Not later than the 30th day after the date of an incident  
 1-33 to which this section applies, the operator of a vessel involved in  
 1-34 the incident shall provide ~~[report]~~ to a marine safety enforcement  
 1-35 officer or game warden commissioned by the department ~~[on or before~~  
 1-36 ~~the expiration of 30 days after the incident]~~ a full description of  
 1-37 the incident ~~[collision, accident, or casualty]~~ in accordance with  
 1-38 regulations established by the department.  
 1-39 (c) A marine safety enforcement officer who in the regular  
 1-40 course of duty investigates an incident to which this section  
 1-41 applies shall electronically file a written report of the incident  
 1-42 with the department:  
 1-43 (1) in a form prescribed by the department; and  
 1-44 (2) not later than the 15th day after the date the  
 1-45 officer initially became aware of the incident ~~[(b) The accident~~  
 1-46 ~~reports are confidential and are inadmissible in court as~~  
 1-47 ~~evidence].~~  
 1-48 (d) ~~[(e)]~~ On request made by an authorized official or  
 1-49 agency of the United States, any information available to the  
 1-50 department under Subsection (b) ~~[(a)]~~ of this section shall be sent  
 1-51 to the official or agency.  
 1-52 SECTION 2. Subchapter D, Chapter 31, Parks and Wildlife  
 1-53 Code, is amended by adding Section 31.1055 to read as follows:  
 1-54 Sec. 31.1055. RELEASE OF INCIDENT REPORTS. (a) This  
 1-55 section applies only to an incident report that is held by the  
 1-56 department or another governmental entity.  
 1-57 (b) In this section:  
 1-58 (1) "Incident" means an incident described by Section  
 1-59 31.105(a).  
 1-60 (2) "Incident report" means a written report required  
 1-61 under Section 31.105(c).

2-1 (c) Except as otherwise provided by this section, an  
 2-2 incident report is confidential and for the use of:  
 2-3 (1) the department; and  
 2-4 (2) an authorized official or agency of the United  
 2-5 States or a state or local governmental entity.  
 2-6 (d) On written request, the department or the governmental  
 2-7 entity shall release an incident report to:  
 2-8 (1) an entity described by Subsection (c);  
 2-9 (2) the law enforcement agency that employs the marine  
 2-10 safety enforcement officer who investigated the incident and filed  
 2-11 the incident report with the department, including an agent of the  
 2-12 law enforcement agency authorized by contract to obtain the  
 2-13 information;  
 2-14 (3) the court in which a case involving a person  
 2-15 involved in the incident is pending if the incident report is  
 2-16 subpoenaed; or  
 2-17 (4) a person directly concerned in the incident or  
 2-18 having an interest in the incident as:  
 2-19 (A) a person involved in the incident;  
 2-20 (B) the authorized representative of a person  
 2-21 involved in the incident;  
 2-22 (C) a vessel operator involved in the incident;  
 2-23 (D) an employer, parent, or legal guardian of a  
 2-24 vessel operator involved in the incident;  
 2-25 (E) the owner of a vessel or property damaged in  
 2-26 the incident;  
 2-27 (F) a person who has established financial  
 2-28 responsibility for a vessel involved in the incident, including a  
 2-29 policyholder of a liability insurance policy covering the vessel;  
 2-30 (G) an insurance company that issued an insurance  
 2-31 policy covering a vessel involved in the incident;  
 2-32 (H) an insurance company that issued a policy  
 2-33 covering any person involved in the incident;  
 2-34 (I) a person under contract to provide claims or  
 2-35 underwriting information to a person described by Paragraph (F),  
 2-36 (G), or (H);  
 2-37 (J) a radio or television station that holds a  
 2-38 license issued by the Federal Communications Commission;  
 2-39 (K) a newspaper that is:  
 2-40 (i) a free newspaper of general circulation  
 2-41 or qualified under Section 2051.044, Government Code, to publish  
 2-42 legal notices;  
 2-43 (ii) published at least once a week; and  
 2-44 (iii) available and of interest to the  
 2-45 general public in connection with the dissemination of news; or  
 2-46 (L) a person who may sue because of death  
 2-47 resulting from the incident.  
 2-48 (e) In addition to the information required to be released  
 2-49 under Subsection (d), the department shall publish at least  
 2-50 annually statistics derived from incident reports that relate to  
 2-51 the number, cause, and location of the reported incidents.  
 2-52 (f) The department when releasing information under  
 2-53 Subsection (d)(4)(J) or (K):  
 2-54 (1) may not release the personal identifying  
 2-55 information, as defined by Section 521.002(a), Business & Commerce  
 2-56 Code, of an individual included in an incident report; and  
 2-57 (2) shall withhold or redact:  
 2-58 (A) the address, other than zip code, and  
 2-59 telephone number of a person included in an incident report;  
 2-60 (B) the registration or hull identification  
 2-61 number of a vessel included in an incident report;  
 2-62 (C) the badge number or identification number of  
 2-63 the investigating officer;  
 2-64 (D) the date of death of a person who died as a  
 2-65 result of the incident; and  
 2-66 (E) the location to which a person injured or  
 2-67 killed in the incident was transported or the person that provided  
 2-68 the transportation.  
 2-69 (g) The amount that may be charged for information provided

3-1 under Subsection (d) shall be calculated in the manner specified by  
3-2 Chapter 552, Government Code, for public information provided by a  
3-3 governmental body under that chapter.

3-4 SECTION 3. Section 31.132, Parks and Wildlife Code, is  
3-5 amended to read as follows:

3-6 Sec. 31.132. REPORTING PROCEDURES FOR ENFORCEMENT  
3-7 OFFICERS. (a) Except as provided by Subsection (b), a [A] marine  
3-8 safety enforcement officer shall provide to the department on a  
3-9 form prescribed by the department a report of any incident the  
3-10 officer investigates that involves a boating accident, water  
3-11 fatality, or person who allegedly operates a boat while  
3-12 intoxicated. The officer shall provide the report not later than  
3-13 the 15th day after the date the officer initially became aware of  
3-14 the incident.

3-15 (b) This section does not apply to an incident that is  
3-16 required to be reported under Section 31.105(c).

3-17 SECTION 4. Section 31.105, Parks and Wildlife Code, as  
3-18 amended by this Act, applies only to an incident described by  
3-19 Subsection (a) of that section that occurs on or after the effective  
3-20 date of this Act.

3-21 SECTION 5. This Act takes effect September 1, 2023.

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