

## **BILL ANALYSIS**

H.B. 76  
By: Hope  
Culture, Recreation, & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Each year, several Texans are injured in or die from alcohol-related accidents involving watercrafts. Currently, the penalties for boating while intoxicated are not as strict as those for driving while intoxicated. House Bill 76 increases the penalties for operating a watercraft while intoxicated and modifies provisions regarding the collection of a blood or breath sample from a person suspected of operating a watercraft while intoxicated.

### **RULEMAKING AUTHORITY**

This bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

HB 76 amends the penal code in order to clean up the definition of "Watercraft"

HB 76 also amends the Transportation Code to increase the penalties for operating a watercraft while intoxicated, and to include boating while intoxicated or operating a watercraft while intoxicated (Section 49.06, Penal Code) as a provision of automatic suspension of a driver's license. In situations in which a license is automatically suspended on final conviction of the license holder for an offense involving intoxication assault, the bill removes the stipulation that the license be automatically suspended only if the person used a motor vehicle in the commission of the offense. The bill also amends provisions in the Transportation Code relating to the procedures for the suspension of a license when a person refuses to submit to the taking of a specimen to include a person who commits an offense involving the operation of a watercraft while intoxicated.

### **EFFECTIVE DATE**

September 1, 2005