

BILL ANALYSIS

H.B. 944
By: Geren
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 78th Legislative Session changes were made to Chapter 31, Texas Parks and Wildlife Code, which defined and set forth a marine licensing program in Texas. Categories were refined and expanded to cover manufacturers, distributors, and dealerships. Unfortunately, marine dealers who do not operate their businesses from a permanent location have been inadvertently excluded from state licensing requirements.

HB 944 ensures that all boat dealers are licensed by amending the definition of a dealer to include individuals who do not have a permanent business location. The bill also clarifies that a license agreement will be entered into between a dealer and the Department. The licensing agreement will be used to better outline the appropriate functions and lawful operations of a marine dealer.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 3 of this bill.

ANALYSIS

SECTION 1. Strikes language in the definition of "Dealer" to clarify that a marine dealer who does not have a permanent business location is still considered to be a dealer.

SECTION 2. Adds language to require a licensing agreement with the Department.

SECTION 3. Adds language allowing the Commission to adopt rules related to licensing requirements and license revocation and suspension.

SECTION 4. Repeals Section 31.007, Parks and Wildlife Code.

SECTION 5. Effective Date.

EFFECTIVE DATE

This bill takes effect September 1, 2005