

By: Hopson

H.B. No. 3051

A BILL TO BE ENTITLED

AN ACT

relating to boating and water safety.

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

SECTION 1. Sections 31.063-31.066, Parks and Wildlife Code, are amended to read as follows:

Sec. 31.063. CLASSES OF VESSELS [~~MOTORBOATS~~]. Vessels [~~Motorboats~~] subject to the provisions of this chapter are divided into four classes according to length as follows:

Class A. Less than 16 feet in length.

Class 1. 16 feet or over and less than 26 feet in length.

Class 2. 26 feet or over and less than 40 feet in length.

Class 3. 40 feet in length or over.

Sec. 31.064. LIGHTS. A vessel [~~or motorboat~~] when not at dock must have and exhibit at least one bright light, lantern, or flashlight from sunset to sunrise in all weather. A vessel [~~or motorboat~~] when underway between sunset and sunrise in all weather must have and exhibit the lights prescribed by federal regulations [~~the commandant of the Coast Guard~~] for vessels [~~boats~~] of its class. No other lights that may be mistaken for those prescribed may be exhibited.

Sec. 31.065. SOUND-PRODUCING DEVICES. A vessel [~~motorboat~~] must have an efficient whistle or other sound-producing device if one is required by federal regulations [~~the commandant of the Coast Guard~~].

1 Sec. 31.066. LIFE PRESERVING DEVICES. (a) A vessel
2 [~~motorboat~~] must have at least one life preserver [~~, life belt, ring~~
3 ~~buoy, or other device~~] of the sort prescribed by federal [~~the~~]
4 regulations [~~of the commandant of the Coast Guard~~] for each person
5 on board, so placed as to be readily accessible.

6 (b) A vessel [~~motorboat~~] carrying passengers for hire must
7 have a readily accessible life preserver of the sort prescribed by
8 federal [~~the~~] regulations [~~of the commandant of the Coast Guard~~]
9 for each person on board.

10 (c) The operator of a class A or class 1 vessel [~~motorboat~~],
11 while underway, shall require every passenger under 13 years of
12 age, unless below decks or in an enclosed cabin, to wear a life
13 preserver of the sort prescribed by federal [~~the~~] regulations [~~of~~
14 ~~the commandant of the Coast Guard. A life belt or ring buoy does not~~
15 ~~satisfy this requirement~~].

16 SECTION 2. Sections 31.106(a) and (d), Parks and Wildlife
17 Code, are amended to read as follows:

18 (a) No person shall operate a personal watercraft in the
19 following manner or under the following circumstances:

20 (1) unless each person riding on or towed behind the
21 vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V
22 personal flotation device;

23 (2) if the vessel is equipped by the manufacturer with
24 a lanyard type engine cutoff switch, unless such lanyard is
25 attached to the person, clothing, or personal flotation device of
26 the operator as appropriate for the vessel involved;

27 (3) during the period between sunset and sunrise;

1 (4) within 50 feet of any other vessel, person,
2 stationary platform or other object, or shore, except at headway
3 speed;

4 (5) [~~if the operator is under 16 years of age, unless~~
5 ~~the operator:~~

6 [(A) ~~is accompanied by a person at least 18 years~~
7 ~~of age; or~~

8 [(B) ~~is at least 13 years of age and has~~
9 ~~successfully completed a boating safety course prescribed and~~
10 ~~approved by the department;~~

11 [~~(6)~~] if the personal watercraft is a motorboat,
12 within any area prohibited for operation of a motorboat by state law
13 or local rule or regulation;

14 (6) [~~(7)~~] while towing water skis, an aquaplane, a
15 surfboard, a tube, or any other similar device, unless the towing
16 vessel is designed to carry on board a minimum of two persons;

17 (7) [~~(8)~~] by jumping the wake of another vessel
18 recklessly or unnecessarily close to that vessel; or

19 (8) [~~(9)~~] in a manner that requires the operator to
20 swerve at the last possible moment to avoid collision.

21 (d) An owner of a personal watercraft may not allow
22 [~~permitting~~] a person under 18 years of age to operate the personal
23 watercraft in a manner prohibited by this section [~~may be notified~~
24 ~~of the violation~~].

25 SECTION 3. Section 31.108(f), Parks and Wildlife Code, is
26 amended to read as follows:

27 (f) An agent acting under authority of Subsection (d):

1 (1) shall collect a \$10 examination or course fee and
2 forward the fee and any examination documentation to the department
3 not later than the 30th day after the date the examination or course
4 is administered; and

5 (2) may collect and keep up to \$5 of the examination or
6 course [a \$3 service] fee to defray out-of-pocket expenses
7 associated with administering a course or examination or issuing an
8 identification card under Subsection (d).

9 SECTION 4. Sections 31.109 (a), (b), and (e), Parks and
10 Wildlife Code, are amended to read as follows:

11 (a) This section applies only to a person who is:

12 (1) born on or after September 1, 1984, or who operates
13 a vessel carrying passengers for hire; and

14 (2) operating on the public water of this state:

15 (A) a vessel powered by a motor of 10 horsepower
16 or more; or

17 (B) a windblown vessel over 14 feet in length.

18 (b) A person subject to this section must have in the
19 person's possession:

20 (1) a photographic identification card; and

21 (2) proof of completion of the requirements to obtain
22 a vessel operator's license [a boater identification card] issued
23 by the United States Coast Guard [department].

24 (e) Upon proof of completion of a boater safety education
25 course approved by the commission or a vessel operator's licensing
26 course provided by the United States Coast Guard a court shall
27 dismiss a violation of Subsections (b)(1) and (2).

1 SECTION 5. Section 31.110, Parks and Wildlife Code, is
2 amended to read as follows:

3 Sec. 31.110. EXEMPTION FROM BOATER EDUCATION COURSE
4 REQUIREMENT. A person is not required to comply with Section
5 31.109 if the person:

6 (1) holds a master's, mate's, or operator's license
7 issued by the United States Coast Guard;

8 (2) is accompanied and supervised by a person who ~~+~~

9 [~~(A)~~] is otherwise exempt from the requirements

10 of Section 31.109 or possesses the documents required under [~~a~~
11 ~~boater identification card as required by~~] Section 31.109 [~~, and~~

12 [~~(B) is at least 18 years of age~~];

13 (3) [~~is at least 18 years of age~~,

14 [~~(4)~~] is not a resident of this state and has proof
15 that the person has successfully completed a boater education
16 course or equivalency examination in another state that is approved
17 by the department; or

18 (4) [~~(5)~~] is exempt by rule of the department.

19 SECTION 6. Sections 31.107, 31.108(c), and 31.131(b), Parks
20 and Wildlife Code, are repealed.

21 SECTION 7. Section 31.108(f), Parks and Wildlife Code, as
22 amended by this Act, applies only to a course or examination held on
23 or after September 1, 2005. For purposes of this section, a course
24 or examination is held before September 1, 2005, if any part of the
25 course or examination is held before that date. A course or
26 examination held before September 1, 2005, is governed by the law as
27 it existed on the date the course or examination was held, and that

1 law is continued in effect for that purpose.

2 SECTION 8. This Act takes effect September 1, 2005.