

By: Hope

H.B. No. 3197

A BILL TO BE ENTITLED

AN ACT

relating to Boating Safety

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

SECTION 1. Section 31.063, Parks & Wildlife Code, is amended to read as follows:

§ 31.063. Classes of ~~[Motorboats]~~ Vessels. ~~[Motorboats]~~ Vessels 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.

SECTION 2. Section 31.064 Parks & Wildlife Code, is amended to read as follows:

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 ~~[the commandant of the Coast Guard]~~ federal regulations for boats of its class. No other lights that may be mistaken for those prescribed may be exhibited.

SECTION 3. Section 31.065 Parks & Wildlife Code, is amended to read as follows:

A ~~[motorboat]~~ vessel must have an efficient whistle or other

1 sound-producing device if one is required by [~~the commandant of the~~  
2 ~~Coast Guard~~] federal regulations.

3 SECTION 4. Section 31.066 Parks & Wildlife Code, is amended  
4 to read as follows:

5 (a) A [~~motorboat~~] vessel must have at least one life  
6 preserver [~~, life belt, ring buoy, or other device~~] of the sort  
7 prescribed by [~~the~~] federal regulations [~~of the commandant of the~~  
8 ~~Coast Guard~~] for each person on board, so placed as to be readily  
9 accessible.

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

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

20 SECTION 5. Section 31.106(a)(5) Parks & Wildlife Code, is  
21 deleted and renumbered accordingly to read as follows:

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

24 [~~(A) is accompanied by a person at least 18 years~~  
25 ~~of age, or~~

26 [~~(B) is at least 13 years of age and has~~  
27 ~~successfully completed a boating safety course prescribed and~~

1 ~~approved by the department,]~~

2 (5) ~~[(6)]~~ if the personal watercraft is a motorboat,  
3 within any area prohibited for operation of a motorboat by state law  
4 or local rule or regulation;

5 (6) ~~[(7)]~~ while towing water skis, an aquaplane, a  
6 surfboard, a tube, or any other similar device, unless the towing  
7 vessel is designed to carry on board a minimum of two persons;

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

10 (8) ~~[(9)]~~ in a manner that requires the operator to  
11 swerve at the last possible moment to avoid collision.

12 SECTION 6. Section 31.106(d) Parks & Wildlife Code, is  
13 amended to read as follows:

14 (d) An owner of a personal watercraft may not permit  
15 ~~[permitting]~~ a person under 18 years of age to operate the personal  
16 watercraft in a manner prohibited by this section ~~[may be notified~~  
17 ~~of the violation]~~.

18 SECTION 7. Section 31.107 Parks & Wildlife Code, is  
19 deleted, to read as follows:

20 ~~[\S 31.107. Operation of Motorboat. No person may operate a~~  
21 ~~motorboat of over 15 horsepower on the public waters of this state~~  
22 ~~unless the person is 16 years of age or older or:~~

23 ~~(1) is accompanied by a person (18) years of age or~~  
24 ~~older, or~~

25 ~~(2) is at least 13 years of age and has successfully~~  
26 ~~passed a boating safety course prescribed and approved by the~~  
27 ~~department.]~~

1 SECTION 8. Section 31.108(f)(2) Parks & Wildlife Code, is  
2 amended, to read as follows:

3 (2) may collect and keep up to a \$[3] 5 of the  
4 examination or [service] course fee to defray their out-of-pocket  
5 expenses.

6 SECTION 9. Section 31.109(a)(1) Parks & Wildlife Code, is  
7 amended, to read as follows:

8 (1) born on or after September 1, 1984, or operates a  
9 vessel carrying passengers for hire; and

10 SECTION 10. Section 31.109(b)(2) Parks & Wildlife Code, is  
11 amended, to read as follows:

12 (2) proof of completion of the requirements to obtain a  
13 vessel operator's license issued by the United States Coast Guard.

14 SECTION 11. Section 31.109(e) Parks & Wildlife Code, is  
15 amended, to read as follows:

16 (e) Upon proof of completion of a boater safety education  
17 course or vessel licensing course provided by the United States  
18 Coast Guard, a court shall dismiss a violation of Subsections  
19 (b)(1) and (2).

20 SECTION 12. Section 31.110 (2) Parks & Wildlife Code, is  
21 amended, to read as follows:

22 (2) is accompanied and supervised by a person who+  
23 [~~(A)~~] is otherwise exempt from the requirements  
24 of Section 31.109 or possesses a boater identification card as  
25 required by Section 31.109; and

26 [(B) is at least 18 years of age;

27 ~~(3) is at least 18 years of age,]~~

1           (3) [~~(4)~~] is not a resident of this state and has proof  
2 that the person has successfully completed a boater education  
3 course or equivalency examination in another state that is approved  
4 by the department; or

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

6           SECTION 13. Section 31.110(2) Parks & Wildlife Code, is  
7 deleted, to read as follows:

8           ~~[(b) If the person fails to successfully complete the boater  
9 education course, the person commits an offense that is a Class A  
10 Parks and Wildlife Code misdemeanor.]~~

11           SECTION 14. This Act takes effect September 1, 2005.