

By: Howard of Travis

H.B. No. 2440

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of commercially operated party boats on public water of this state.

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

SECTION 1. Chapter 31, Parks and Wildlife Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. PARTY BOATS

Sec. 31.171. DEFINITION. In this subchapter, "party boat" means a vessel:

(1) operated by the owner of the vessel or an employee of the owner; and

(2) rented or leased by the owner for a group recreational event.

Sec. 31.172. PARTY BOAT OPERATOR AND STAFF. (a) The party boat owner shall provide staff members, including an operator, who:

(1) operate and staff the party boat for the duration of a rental or lease for a group recreational event as follows:

(A) for a boat with not more than 12 passengers, one staff member who is an operator;

(B) for a boat with at least 13 but not more than 24 passengers, two staff members, including one operator;

(C) for a boat with at least 25 but not more than 50 passengers, three staff members, including one operator; and

(D) for a boat with more than 50 passengers, four

1 staff members, including one operator;

2 (2) have each successfully completed a boater safety
3 course approved under this chapter; and

4 (3) are each certified to conduct cardiopulmonary
5 resuscitation.

6 (b) At least one staff member on each party boat must be
7 certified as a lifeguard by the American Red Cross, the American
8 Lifeguard Association, or another comparable nationally recognized
9 organization.

10 Sec. 31.173. BOAT REQUIREMENTS. A party boat:

11 (1) may not carry more than the maximum number of
12 passengers the boat may safely accommodate; and

13 (2) must have a direct and reliable communication
14 connection to the land-based office of the owner and law
15 enforcement and emergency services by cellular telephone or very
16 high frequency radio.

17 Sec. 31.174. PASSENGER SAFETY INFORMATION AND WAIVER;
18 INSURANCE. (a) The owner of a party boat shall:

19 (1) provide each passenger with written and verbal
20 safety information; and

21 (2) require each passenger to sign a waiver releasing
22 the owner from liability resulting from the actions of the
23 passenger or any other passenger.

24 (b) The owner of a party boat must obtain at least a minimum
25 amount of liability insurance from an insurer licensed to do
26 business in this state. The commission shall set the amount.

27 Sec. 31.175. ALCOHOLIC BEVERAGES. The owner of a party boat

1 shall ensure that:

2 (1) any alcoholic beverage brought on board is
3 consumed from its original container; and

4 (2) a large container of an alcoholic beverage such as
5 a beer keg, margarita machine, or cooler filled with alcoholic
6 punch is not brought on board.

7 Sec. 31.176. DRUG AND ALCOHOL TESTING. If a party boat is
8 involved in an accident causing serious personal injury or death,
9 each staff member on board is subject to mandatory drug and alcohol
10 testing.

11 Sec. 31.177. ENFORCEMENT. In addition to a game warden, any
12 peace officer of a municipality or other political subdivision of
13 this state who is certified as a marine safety enforcement officer
14 under Section 31.121 may enforce this subchapter:

15 (1) in the area of a navigable body of water that is in
16 the jurisdiction of the municipality or other political
17 subdivision; or

18 (2) in any part of a lake that is partly or wholly
19 inside the boundaries of:

20 (A) the municipality or its extraterritorial
21 jurisdiction; or

22 (B) the political subdivision.

23 Sec. 31.178. RULES. The commission shall adopt and enforce
24 rules necessary to implement this subchapter.

25 SECTION 2. Not later than January 1, 2008, the Parks and
26 Wildlife Commission shall adopt rules to implement Subchapter G,
27 Chapter 31, Parks and Wildlife Code, as added by this Act.

1 SECTION 3. Subchapter G, Chapter 31, Parks and Wildlife
2 Code, as added by this Act, applies only to the rental or lease of a
3 party boat on the public water of this state for a group
4 recreational event held on or after June 1, 2008.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.