

By: Harris

S.B. No. 864

A BILL TO BE ENTITLED

AN ACT

relating to offenses involving boating safety.

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

SECTION 1. The heading to Section 31.099, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.099. PROHIBITION ON CIRCULAR COURSE AROUND INDIVIDUALS ENGAGED IN WATER ACTIVITIES [~~FISHERMAN OR SWIMMER~~].

SECTION 2. Subsection (a), Section 31.099, Parks and Wildlife Code, is amended to read as follows:

(a) No person may operate a motorboat in a circular course around:

(1) any other boat any occupant of which is engaged in fishing, waterskiing, or a similar activity; or

(2) [~~around~~] any person swimming.

SECTION 3. Subsections (a) and (c), Section 31.106, Parks and Wildlife Code, are amended to read as follows:

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

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

(2) if the vessel is equipped by the manufacturer with a lanyard type engine cutoff switch, unless such lanyard is attached to the person, clothing, or personal flotation device of

1 the operator as appropriate for the vessel involved;

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

3 (4) within 100 [~~50~~] feet of any other vessel, person,  
4 stationary platform or other object, or shore, except at headway  
5 speed;

6 (5) if the operator is under 16 years of age, unless  
7 the operator:

8 (A) is accompanied by a person at least 18 years  
9 of age; or

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

13 (6) if the personal watercraft is a motorboat, within  
14 any area prohibited for operation of a motorboat by state law or  
15 local rule or regulation;

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

19 (8) by jumping the wake of another vessel recklessly  
20 or unnecessarily close to that vessel; or

21 (9) in a manner that requires the operator to swerve at  
22 the last possible moment to avoid collision.

23 (c) Subsection (a)(4) of this section does not prohibit the  
24 operation of personal watercraft on bodies of water less than 200  
25 [~~100~~] feet in width.

26 SECTION 4. Section 31.107, Parks and Wildlife Code, is  
27 amended to read as follows:

1           Sec. 31.107. OPERATION OF MOTORBOAT. (a) No person may  
2 operate a motorboat of over 15 horsepower on the public waters of  
3 this state unless the person is 16 years of age or older or:

4                   (1) is accompanied by a person 18 [~~18~~] years of age  
5 or older; or

6                   (2) is at least 13 years of age and has successfully  
7 passed a boating safety course prescribed and approved by the  
8 department.

9           (b) No person may operate a motorboat within 100 feet of the  
10 shore, any other vessel, a person, or a stationary platform or other  
11 object unless:

12                   (1) the boat's speed does not exceed headway speed;

13                   (2) the boat is in a no-wake zone; or

14                   (3) a distance of at least 100 feet is not possible.

15           SECTION 5. The change in law made by this Act applies only  
16 to an offense committed on or after the effective date of this Act.  
17 An offense committed before the effective date of this Act is  
18 covered by the law in effect when the offense was committed, and the  
19 former law is continued in effect for that purpose. For purposes of  
20 this section, an offense was committed before the effective date of  
21 this Act if any element of the offense was committed before that  
22 date.

23           SECTION 6. This Act takes effect July 1, 2007, if it  
24 receives a vote of two-thirds of all the members elected to each  
25 house, as provided by Section 39, Article III, Texas Constitution.  
26 If this Act does not receive the vote necessary for effect on that  
27 date, this Act takes effect September 1, 2007.