

1-1 By: Harris S.B. No. 864
1-2 (In the Senate - Filed February 23, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 2, 2007, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; April 2, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to offenses involving boating safety.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. The heading to Section 31.099, Parks and
1-11 Wildlife Code, is amended to read as follows:

1-12 Sec. 31.099. PROHIBITION ON CIRCULAR COURSE AROUND
1-13 INDIVIDUALS ENGAGED IN WATER ACTIVITIES [~~FISHERMAN OR SWIMMER~~].

1-14 SECTION 2. Subsection (a), Section 31.099, Parks and
1-15 Wildlife Code, is amended to read as follows:

1-16 (a) No person may operate a motorboat in a circular course
1-17 around:

1-18 (1) any other boat any occupant of which is engaged in
1-19 fishing, waterskiing, or a similar activity; or

1-20 (2) [~~around~~] any person swimming.

1-21 SECTION 3. Subsections (a) and (c), Section 31.106, Parks
1-22 and Wildlife Code, are amended to read as follows:

1-23 (a) No person shall operate a personal watercraft in the
1-24 following manner or under the following circumstances:

1-25 (1) unless each person riding on or towed behind the
1-26 vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V
1-27 personal flotation device;

1-28 (2) if the vessel is equipped by the manufacturer with
1-29 a lanyard type engine cutoff switch, unless such lanyard is
1-30 attached to the person, clothing, or personal flotation device of
1-31 the operator as appropriate for the vessel involved;

1-32 (3) during the period between sunset and sunrise;

1-33 (4) within 100 [~~50~~] feet of any other vessel, person,
1-34 stationary platform or other object, or shore, except at headway
1-35 speed;

1-36 (5) if the operator is under 16 years of age, unless
1-37 the operator:

1-38 (A) is accompanied by a person at least 18 years
1-39 of age; or

1-40 (B) is at least 13 years of age and has
1-41 successfully completed a boating safety course prescribed and
1-42 approved by the department;

1-43 (6) if the personal watercraft is a motorboat, within
1-44 any area prohibited for operation of a motorboat by state law or
1-45 local rule or regulation;

1-46 (7) while towing water skis, an aquaplane, a
1-47 surfboard, a tube, or any other similar device, unless the towing
1-48 vessel is designed to carry on board a minimum of two persons;

1-49 (8) by jumping the wake of another vessel recklessly
1-50 or unnecessarily close to that vessel; or

1-51 (9) in a manner that requires the operator to swerve at
1-52 the last possible moment to avoid collision.

1-53 (c) Subsection (a)(4) of this section does not prohibit the
1-54 operation of personal watercraft on bodies of water less than 200
1-55 [~~100~~] feet in width.

1-56 SECTION 4. Section 31.107, Parks and Wildlife Code, is
1-57 amended to read as follows:

1-58 Sec. 31.107. OPERATION OF MOTORBOAT. (a) No person may
1-59 operate a motorboat of over 15 horsepower on the public waters of
1-60 this state unless the person is 16 years of age or older or:

1-61 (1) is accompanied by a person 18 [~~18~~] years of age
1-62 or older; or

1-63 (2) is at least 13 years of age and has successfully
1-64 passed a boating safety course prescribed and approved by the

2-1 department.

2-2 (b) No person may operate a motorboat within 100 feet of the
2-3 shore, any other vessel, a person, or a stationary platform or other
2-4 object unless:

2-5 (1) the boat's speed does not exceed headway speed;

2-6 (2) the boat is in a no-wake zone; or

2-7 (3) a distance of at least 100 feet is not possible.

2-8 SECTION 5. The change in law made by this Act applies only
2-9 to an offense committed on or after the effective date of this Act.
2-10 An offense committed before the effective date of this Act is
2-11 covered by the law in effect when the offense was committed, and the
2-12 former law is continued in effect for that purpose. For purposes of
2-13 this section, an offense was committed before the effective date of
2-14 this Act if any element of the offense was committed before that
2-15 date.

2-16 SECTION 6. This Act takes effect July 1, 2007, if it
2-17 receives a vote of two-thirds of all the members elected to each
2-18 house, as provided by Section 39, Article III, Texas Constitution.
2-19 If this Act does not receive the vote necessary for effect on that
2-20 date, this Act takes effect September 1, 2007.

2-21 * * * * *