

By: Watson

S.B. No. 997

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. DEFINITIONS. In this subchapter:

(1) "Licensed party boat operator" means a person issued a license by the department under this subchapter.

(2) "Party boat" means a vessel:

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

(B) rented or leased by the owner for a group recreational event for more than six passengers.

Sec. 31.172. APPLICABILITY; EXCEPTION. (a) This subchapter applies only to a party boat that operates on the inland waters of this state.

(b) This subchapter does not apply to a boat that is less than 30 feet in length or to a sailboat.

Sec. 31.173. PARTY BOAT OPERATOR AND STAFF. (a) Except as provided by Subsection (c), the party boat owner shall provide staff members, including a licensed party boat operator, who:

(1) operate and staff the party boat for the duration

1 of a rental or lease for a group recreational event as follows:

2 (A) for a boat with not more than 25 passengers,  
3 one staff member who is an operator;

4 (B) for a boat with at least 26 but not more than  
5 50 passengers, two staff members, including one operator; and

6 (C) for a boat with more than 50 passengers,  
7 three staff members, including one operator; and

8 (2) have each successfully completed a boater safety  
9 course approved under this chapter.

10 (b) At least one staff member on the boat must be certified  
11 to conduct cardiopulmonary resuscitation.

12 (c) This section does not apply to a party boat rented or  
13 leased for an overnight or longer period for which the owner, or the  
14 owner's staff, does not intend to remain in constant possession,  
15 command, and control of the party boat.

16 Sec. 31.174. BOAT REQUIREMENTS. A party boat:

17 (1) may not carry more than the maximum number of  
18 passengers the boat may safely accommodate as determined by the  
19 department on inspection;

20 (2) must have a direct and reliable communication  
21 connection to the land-based office of the owner and law  
22 enforcement and emergency services by cellular telephone or very  
23 high frequency radio; and

24 (3) must pass an annual water safety inspection  
25 conducted by the department or a person under contract with the  
26 department.

27 Sec. 31.175. PASSENGER SAFETY INFORMATION; INSURANCE.

1 (a) The owner of a party boat shall provide each passenger with  
2 written and verbal safety information and require each passenger to  
3 sign a form acknowledging that the passenger reviewed and  
4 understands the information.

5 (b) The verbal and written safety information must disclose  
6 that no lifeguard is present on the party boat if there is not at  
7 least one staff member on the boat who is certified as a lifeguard  
8 by the American Red Cross, the American Lifeguard Association, or  
9 another comparable nationally recognized organization.

10 (c) The owner of a party boat must obtain at least a minimum  
11 amount of liability insurance from an insurer licensed to do  
12 business in this state. The commission shall set the amount.

13 Sec. 31.176. PARTY BOAT OPERATOR LICENSE. (a) The  
14 commission by rule shall establish, as necessary to protect the  
15 public health and safety, the requirements and procedures for the  
16 issuance and renewal of a party boat operator license under this  
17 subchapter.

18 (b) Except as provided by Subsection (c), the rules for  
19 obtaining a license as a party boat operator must require at a  
20 minimum that the applicant:

21 (1) be at least 21 years of age;

22 (2) observe for at least four hours a licensed party  
23 boat operator operating a party boat on open water;

24 (3) operate for at least four hours a party boat on  
25 open water while being supervised and observed by a licensed party  
26 boat operator; and

27 (4) pass a written examination covering onboard safety

1 procedures and the applicable provisions of this chapter.

2 (c) An applicant is not required to comply with Subsections  
3 (b)(2) and (3) if the applicant has:

4 (1) at least 25 hours of experience operating a party  
5 boat as shown by appropriate documentation; and

6 (2) no record of boating violations.

7 Sec. 31.177. FEES. (a) The commission by rule shall  
8 establish and collect a reasonable fee for:

9 (1) the issuance of a party boat operator license  
10 under this subchapter; and

11 (2) the annual water safety inspection of a party boat  
12 required by this subchapter.

13 (b) A fee collected by the department under this subchapter  
14 and any interest that accrues on the fee shall be deposited to the  
15 credit of the game, fish, and water safety account established  
16 under Section 11.032.

17 Sec. 31.178. DRUG AND ALCOHOL TESTING. If a party boat is  
18 involved in an accident causing serious personal injury or death,  
19 each staff member on board is subject to mandatory drug and alcohol  
20 testing.

21 Sec. 31.179. ENFORCEMENT. (a) In addition to a game  
22 warden, any peace officer of a municipality or other political  
23 subdivision of this state who is certified as a marine safety  
24 enforcement officer under Section 31.121 may enforce this  
25 subchapter:

26 (1) in the area of a navigable body of water that is in  
27 the jurisdiction of the municipality or other political

1 subdivision; or

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

4 (A) the municipality or its extraterritorial  
5 jurisdiction; or

6 (B) the political subdivision.

7 (b) A party boat is subject to enforcement inspections  
8 conducted under Section 31.124.

9 Sec. 31.180. RULES. The commission shall adopt and enforce  
10 rules necessary to implement this subchapter.

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

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

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