

1-1 By: Watson S.B. No. 997  
1-2 (In the Senate - Filed February 28, 2007; March 7, 2007,  
1-3 read first time and referred to Committee on Natural Resources;  
1-4 April 24, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 24, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 997 By: Jackson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of commercially operated party boats on  
1-11 public water of this state.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 31, Parks and Wildlife Code, is amended  
1-14 by adding Subchapter G to read as follows:

1-15 SUBCHAPTER G. PARTY BOATS

1-16 Sec. 31.171. DEFINITIONS. In this subchapter:

1-17 (1) "Licensed party boat operator" means a person  
1-18 issued a license by the department under this subchapter.

1-19 (2) "Party boat" means a vessel:

1-20 (A) operated by the owner of the vessel or an  
1-21 employee of the owner; and

1-22 (B) rented or leased by the owner for a group  
1-23 recreational event for more than six passengers.

1-24 Sec. 31.172. APPLICABILITY; EXCEPTION. (a) This  
1-25 subchapter applies only to a party boat that operates on the inland  
1-26 waters of this state.

1-27 (b) This subchapter does not apply to a boat that is less  
1-28 than 30 feet in length or to a sailboat.

1-29 Sec. 31.173. PARTY BOAT OPERATOR AND STAFF. (a) Except as  
1-30 provided by Subsection (c), the party boat owner shall provide  
1-31 staff members, including a licensed party boat operator, who:

1-32 (1) operate and staff the party boat for the duration  
1-33 of a rental or lease for a group recreational event as follows:

1-34 (A) for a boat with not more than 25 passengers,  
1-35 one staff member who is an operator;

1-36 (B) for a boat with at least 26 but not more than  
1-37 50 passengers, two staff members, including one operator; and

1-38 (C) for a boat with more than 50 passengers,  
1-39 three staff members, including one operator; and

1-40 (2) have each successfully completed a boater safety  
1-41 course approved under this chapter.

1-42 (b) At least one staff member on the boat must be certified  
1-43 to conduct cardiopulmonary resuscitation.

1-44 (c) This section does not apply to a party boat rented or  
1-45 leased for an overnight or longer period for which the owner, or the  
1-46 owner's staff, does not intend to remain in constant possession,  
1-47 command, and control of the party boat.

1-48 Sec. 31.174. BOAT REQUIREMENTS. A party boat:

1-49 (1) may not carry more than the maximum number of  
1-50 passengers the boat may safely accommodate as determined by the  
1-51 department on inspection;

1-52 (2) must have a direct and reliable communication  
1-53 connection to the land-based office of the owner and law  
1-54 enforcement and emergency services by cellular telephone or very  
1-55 high frequency radio; and

1-56 (3) must pass an annual water safety inspection  
1-57 conducted by the department or a person under contract with the  
1-58 department.

1-59 Sec. 31.175. PASSENGER SAFETY INFORMATION; INSURANCE.

1-60 (a) The owner of a party boat shall provide each passenger with  
1-61 written and verbal safety information and require each passenger to  
1-62 sign a form acknowledging that the passenger reviewed and  
1-63 understands the information.

2-1           (b) The verbal and written safety information must disclose  
 2-2 that no lifeguard is present on the party boat if there is not at  
 2-3 least one staff member on the boat who is certified as a lifeguard  
 2-4 by the American Red Cross, the American Lifeguard Association, or  
 2-5 another comparable nationally recognized organization.

2-6           (c) The owner of a party boat must obtain at least a minimum  
 2-7 amount of liability insurance from an insurer licensed to do  
 2-8 business in this state. The commission shall set the amount.

2-9           Sec. 31.176. PARTY BOAT OPERATOR LICENSE. (a) The  
 2-10 commission by rule shall establish, as necessary to protect the  
 2-11 public health and safety, the requirements and procedures for the  
 2-12 issuance and renewal of a party boat operator license under this  
 2-13 subchapter.

2-14           (b) Except as provided by Subsection (c), the rules for  
 2-15 obtaining a license as a party boat operator must require at a  
 2-16 minimum that the applicant:

2-17           (1) be at least 21 years of age;  
 2-18           (2) observe for at least four hours a licensed party  
 2-19 boat operator operating a party boat on open water;

2-20           (3) operate for at least four hours a party boat on  
 2-21 open water while being supervised and observed by a licensed party  
 2-22 boat operator; and

2-23           (4) pass a written examination covering onboard safety  
 2-24 procedures and the applicable provisions of this chapter.

2-25           (c) An applicant is not required to comply with Subsections  
 2-26 (b)(2) and (3) if the applicant has:

2-27           (1) at least 25 hours of experience operating a party  
 2-28 boat as shown by appropriate documentation; and

2-29           (2) no record of boating violations.

2-30           Sec. 31.177. FEES. (a) The commission by rule shall  
 2-31 establish and collect a reasonable fee for:

2-32           (1) the issuance of a party boat operator license  
 2-33 under this subchapter; and

2-34           (2) the annual water safety inspection of a party boat  
 2-35 required by this subchapter.

2-36           (b) A fee collected by the department under this subchapter  
 2-37 and any interest that accrues on the fee shall be deposited to the  
 2-38 credit of the game, fish, and water safety account established  
 2-39 under Section 11.032.

2-40           Sec. 31.178. DRUG AND ALCOHOL TESTING. If a party boat is  
 2-41 involved in an accident causing serious personal injury or death,  
 2-42 each staff member on board is subject to mandatory drug and alcohol  
 2-43 testing.

2-44           Sec. 31.179. ENFORCEMENT. (a) In addition to a game  
 2-45 warden, any peace officer of a municipality or other political  
 2-46 subdivision of this state who is certified as a marine safety  
 2-47 enforcement officer under Section 31.121 may enforce this  
 2-48 subchapter:

2-49           (1) in the area of a navigable body of water that is in  
 2-50 the jurisdiction of the municipality or other political  
 2-51 subdivision; or

2-52           (2) in any part of a lake that is partly or wholly  
 2-53 inside the boundaries of:

2-54           (A) the municipality or its extraterritorial  
 2-55 jurisdiction; or

2-56           (B) the political subdivision.

2-57           (b) A party boat is subject to enforcement inspections  
 2-58 conducted under Section 31.124.

2-59           Sec. 31.180. RULES. The commission shall adopt and enforce  
 2-60 rules necessary to implement this subchapter.

2-61           SECTION 2. Not later than January 1, 2008, the Parks and  
 2-62 Wildlife Commission shall adopt rules to implement Subchapter G,  
 2-63 Chapter 31, Parks and Wildlife Code, as added by this Act.

2-64           SECTION 3. Subchapter G, Chapter 31, Parks and Wildlife  
 2-65 Code, as added by this Act, applies only to the rental or lease of a  
 2-66 party boat on the public water of this state for a group  
 2-67 recreational event held on or after June 1, 2008.

2-68           SECTION 4. This Act takes effect immediately if it receives  
 2-69 a vote of two-thirds of all the members elected to each house, as

3-1 provided by Section 39, Article III, Texas Constitution. If this  
3-2 Act does not receive the vote necessary for immediate effect, this  
3-3 Act takes effect September 1, 2007.

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