

BILL ANALYSIS

C.S.S.B. 1745
By: Harris
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a person operating a motorboat is prohibited from circling within 50 feet of persons who are fishing or swimming. It is important to protect those who are engaged in activities other than fishing and swimming as well, such as waterskiing.

C.S.S.B. 1745 prohibits a person from operating a motorboat in a circular course around someone who is waterskiing or engaged in a similar activity, unless the person is operating the motorboat in a circular course to retrieve a downed or fallen water-skier or other person who was engaged in a similar activity. The bill requires, in court cases resulting from an arrest by a marine safety enforcement officer other than a game warden, the amount of a fine imposed for a violation of the Water Safety Act to be remitted to the entity employing the marine safety enforcement officer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1745 amends the Parks and Wildlife Code to prohibit a person from operating a motorboat in a circular course around any other boat any occupant of which is engaged in waterskiing or a similar activity, in addition to around any other boat any occupant of which is engaged in fishing or around any person swimming. The bill makes the prohibition inapplicable to a person operating a motorboat in a circular course to retrieve a downed or fallen water-skier or other person who was engaged in a similar activity.

C.S.S.B. 1745 requires, in court cases filed as the result of an arrest by a marine safety enforcement officer other than a game warden, the amount of the fine imposed for a violation of the Water Safety Act to be remitted to the entity employing the marine safety enforcement officer, rather than requiring 60 percent of the fine to be remitted to the game, fish, and water safety account.

C.S.S.B. 1745 repeals Section 31.128(d), Parks and Wildlife Code, relating to the percentage of such fines remitted to the game, fish, and water safety account required to be used for the administration and enforcement of water safety.

EFFECTIVE DATE

July 1, 2009, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1745 adds a provision not in the original to make the prohibition on operating a motorboat in a circular course around certain other boats and swimmers inapplicable to a person operating a motorboat in a circular course to retrieve a downed or fallen water-skier or other person engaging in a similar activity. The substitute removes provisions in the original relating to a prohibition against the operation of a personal watercraft within 100 feet, rather than 50, of any other vessel, person, stationary platform or other object, or shore, and to the inapplicability of such prohibition to the operation of personal watercraft in bodies of water less than 200 feet in width, rather than 100 feet in width. The substitute removes provisions in the original relating to the prohibition against operating a motorboat within 100 feet of the shore, any other vessel, a person, or a stationary platform or other object unless certain conditions are met.