

BILL ANALYSIS

Senate Research Center
2009S0934-1

C.S.S.B. 2095
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Transportation & Homeland Security
4/7/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are currently no requirements that people 18 years of age or older are required to meet in order to operate boats and other vessels on public waters of the state. Operating these types of vessels can be just as dangerous as operating a motor vehicle on a public street or highway. The Texas Parks and Wildlife Department (TPWD) has a safety course in place that is required for people born after September 1, 1984, but people who are 18 years of age or older are exempt. Most people who own boats are older than 18 years of age, and these people should have some type of training and testing requirement to ensure they will safely operate vessels on public waters.

C.S.S.B. 2095 requires TPWD to issue a boater identification card to a person who has completed a boater education course and an exit exam approved by TPWD. The bill also deletes provisions exempting persons born prior to September 1, 1984, from the boater education course requirement. The bill provides an exception for persons who rent a vessel from a vessel livery business on a temporary basis.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Department in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 31.109(a) and (c), Parks and Wildlife Code, as follows:

- (a) Deletes existing text providing that this section applies only to a person born on or after September 1, 1984. Makes nonsubstantive changes.
- (c) Requires the Texas Parks and Wildlife Department (TPWD) to issue a boater identification card to a person who has successfully completed a boater education course, including an exit examination, approved by TPWD.

SECTION 2. Amends Section 31.110, Parks and Wildlife Code, as follows:

Sec. 31.110. EXEMPTION FROM BOATER EDUCATION COURSE REQUIREMENT. (a) Deletes existing text providing that a person is not required to comply with Section 31.109 (Boater Education Course Required for Certain Persons) if the person is at least 18 years of age, or is exempt by rule of TPWD. Makes nonsubstantive changes.

- (b) Provides that a person who is required to complete a boater education course under Section 31.109 and who rents a vessel from a vessel livery business is temporarily exempt from that requirement for the lesser of the period of the rental agreement or seven days if the person participates in an orientation for purposes of the rental that includes instruction on all applicable state law. Requires the vessel livery business to keep records regarding the instruction and retain those records for a period of not less than one year.

SECTION 3. Requires TPWD to adopt rules to implement the examination required by Section 31.109, Parks and Wildlife Code, as amended by this Act, not later than January 1, 2010.

SECTION 4. Effective date: September 1, 2009.