

By: Parker

H.B. No. 3109

A BILL TO BE ENTITLED

1 AN ACT
2 relating to offenses involving boating safety and the disposition
3 of fines for certain water safety offenses.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Section 31.099, Parks and
6 Wildlife Code, is amended to read as follows:

7 Sec. 31.099. PROHIBITION ON CIRCULAR COURSE AROUND
8 INDIVIDUALS ENGAGED IN WATER ACTIVITIES [~~FISHERMAN OR SWIMMER~~].

9 SECTION 2. Section 31.099(a), Parks and Wildlife Code, is
10 amended to read as follows:

11 (a) No person may operate a motorboat in a circular course
12 around:

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

15 (2) [~~around~~] any person swimming.

16 SECTION 3. Sections 31.106(a) and (c), Parks and Wildlife
17 Code, are amended to read as follows:

18 (a) No person shall operate a personal watercraft in the
19 following manner or under the following circumstances:

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

23 (2) if the vessel is equipped by the manufacturer with
24 a lanyard type engine cutoff switch, unless such lanyard is

1 attached to the person, clothing, or personal flotation device of
2 the operator as appropriate for the vessel involved;

3 (3) during the period between sunset and sunrise;

4 (4) within 100 [~~50~~] feet of any other vessel, person,
5 stationary platform or other object, or shore, except at headway
6 speed;

7 (5) if the operator is under 16 years of age, unless
8 the operator:

9 (A) is accompanied by a person at least 18 years
10 of age; or

11 (B) is at least 13 years of age and has
12 successfully completed a boating safety course prescribed and
13 approved by the department;

14 (6) if the personal watercraft is a motorboat, within
15 any area prohibited for operation of a motorboat by state law or
16 local rule or regulation;

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

20 (8) by jumping the wake of another vessel recklessly
21 or unnecessarily close to that vessel; or

22 (9) in a manner that requires the operator to swerve at
23 the last possible moment to avoid collision.

24 (c) Subsection (a)(4) of this section does not prohibit the
25 operation of personal watercraft on bodies of water less than 200
26 [~~100~~] feet in width.

27 SECTION 4. Section 31.107, Parks and Wildlife Code, is

1 amended to read as follows:

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

5 (1) is accompanied by a person 18 [~~18~~] years of age
6 or older; or

7 (2) is at least 13 years of age and has successfully
8 passed a boating safety course prescribed and approved by the
9 department.

10 (b) No person may operate a motorboat within 100 feet of the
11 shore, any other vessel, a person, or a stationary platform or other
12 object unless:

13 (1) the boat's speed does not exceed headway speed;

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

15 (3) a distance of at least 100 feet is not possible.

16 SECTION 5. Section 31.128(c), Parks and Wildlife Code, is
17 amended to read as follows:

18 (c) In court cases filed as the result of an arrest by a
19 marine safety enforcement officer other than a game warden, the
20 amount of the fine shall be remitted to the entity employing the
21 marine safety enforcement officer [~~to be remitted to the game,~~
22 ~~fish, and water safety account shall be 60 percent of the fine].~~

23 All costs of the court shall be retained by the court having
24 jurisdiction of the offense and deposited as other fees in the
25 proper county fund.

26 SECTION 6. Section 31.128(d), Parks and Wildlife Code, is
27 repealed.

1 SECTION 7. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 covered by the law in effect when the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense was committed before that
8 date.

9 SECTION 8. This Act takes effect July 1, 2009, if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for effect on that
13 date, this Act takes effect September 1, 2009.