

1-1 By: Harris S.B. No. 1745  
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 8, 2009, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; April 8, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to offenses involving boating safety and the disposition  
1-9 of fines for certain water safety offenses.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Section 31.099, Parks and  
1-12 Wildlife Code, is amended to read as follows:

1-13 Sec. 31.099. PROHIBITION ON CIRCULAR COURSE AROUND  
1-14 INDIVIDUALS ENGAGED IN WATER ACTIVITIES [~~FISHERMAN OR SWIMMER~~].

1-15 SECTION 2. Subsection (a), Section 31.099, Parks and  
1-16 Wildlife Code, is amended to read as follows:

1-17 (a) No person may operate a motorboat in a circular course  
1-18 around:

1-19 (1) any other boat any occupant of which is engaged in  
1-20 fishing, waterskiing, or a similar activity; or

1-21 (2) [~~around~~] any person swimming.

1-22 SECTION 3. Subsections (a) and (c), Section 31.106, Parks  
1-23 and Wildlife Code, are amended to read as follows:

1-24 (a) No person shall operate a personal watercraft in the  
1-25 following manner or under the following circumstances:

1-26 (1) unless each person riding on or towed behind the  
1-27 vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V  
1-28 personal flotation device;

1-29 (2) if the vessel is equipped by the manufacturer with  
1-30 a lanyard type engine cutoff switch, unless such lanyard is  
1-31 attached to the person, clothing, or personal flotation device of  
1-32 the operator as appropriate for the vessel involved;

1-33 (3) during the period between sunset and sunrise;

1-34 (4) within 100 [~~50~~] feet of any other vessel, person,  
1-35 stationary platform or other object, or shore, except at headway  
1-36 speed;

1-37 (5) if the operator is under 16 years of age, unless  
1-38 the operator:

1-39 (A) is accompanied by a person at least 18 years  
1-40 of age; or

1-41 (B) is at least 13 years of age and has  
1-42 successfully completed a boating safety course prescribed and  
1-43 approved by the department;

1-44 (6) if the personal watercraft is a motorboat, within  
1-45 any area prohibited for operation of a motorboat by state law or  
1-46 local rule or regulation;

1-47 (7) while towing water skis, an aquaplane, a  
1-48 surfboard, a tube, or any other similar device, unless the towing  
1-49 vessel is designed to carry on board a minimum of two persons;

1-50 (8) by jumping the wake of another vessel recklessly  
1-51 or unnecessarily close to that vessel; or

1-52 (9) in a manner that requires the operator to swerve at  
1-53 the last possible moment to avoid collision.

1-54 (c) Subsection (a)(4) of this section does not prohibit the  
1-55 operation of personal watercraft on bodies of water less than 200  
1-56 [~~100~~] feet in width.

1-57 SECTION 4. Section 31.107, Parks and Wildlife Code, is  
1-58 amended to read as follows:

1-59 Sec. 31.107. OPERATION OF MOTORBOAT. (a) No person may  
1-60 operate a motorboat of over 15 horsepower on the public waters of  
1-61 this state unless the person is 16 years of age or older or:

1-62 (1) is accompanied by a person 18 [~~18~~] years of age  
1-63 or older; or

1-64 (2) is at least 13 years of age and has successfully

2-1 passed a boating safety course prescribed and approved by the  
2-2 department.

2-3 (b) No person may operate a motorboat within 100 feet of the  
2-4 shore, any other vessel, a person, or a stationary platform or other  
2-5 object unless:

2-6 (1) the boat's speed does not exceed headway speed;

2-7 (2) the boat is in a no-wake zone; or

2-8 (3) a distance of at least 100 feet is not possible.

2-9 SECTION 5. Subsection (c), Section 31.128, Parks and  
2-10 Wildlife Code, is amended to read as follows:

2-11 (c) In court cases filed as the result of an arrest by a  
2-12 marine safety enforcement officer other than a game warden, the  
2-13 amount of the fine shall be remitted to the entity employing the  
2-14 marine safety enforcement officer [~~to be remitted to the game,~~  
2-15 ~~fish, and water safety account shall be 60 percent of the fine].~~

2-16 All costs of the court shall be retained by the court having  
2-17 jurisdiction of the offense and deposited as other fees in the  
2-18 proper county fund.

2-19 SECTION 6. Subsection (d), Section 31.128, Parks and  
2-20 Wildlife Code, is repealed.

2-21 SECTION 7. The change in law made by this Act applies only  
2-22 to an offense committed on or after the effective date of this Act.  
2-23 An offense committed before the effective date of this Act is  
2-24 covered by the law in effect when the offense was committed, and the  
2-25 former law is continued in effect for that purpose. For purposes of  
2-26 this section, an offense was committed before the effective date of  
2-27 this Act if any element of the offense was committed before that  
2-28 date.

2-29 SECTION 8. This Act takes effect July 1, 2009, if it  
2-30 receives a vote of two-thirds of all the members elected to each  
2-31 house, as provided by Section 39, Article III, Texas Constitution.  
2-32 If this Act does not receive the vote necessary for effect on that  
2-33 date, this Act takes effect September 1, 2009.

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