

1-1 By: Wentworth S.B. No. 2095
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 8, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
1-6 April 8, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2095 By: Wentworth

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

1-10 relating to requiring a boater education course for certain
1-11 operators of vessels.

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

1-13 SECTION 1. Subsections (a) and (c), Section 31.109, Parks
1-14 and Wildlife Code, are amended to read as follows:

1-15 (a) This section applies only to a person who is [+
1-16 [~~(1)~~ born on or after September 1, 1984, and
1-17 [~~(2)~~] operating on the public water of this state:

1-18 (1) [~~(A)~~] a vessel powered by a motor of 10 horsepower
1-19 or more; or

1-20 (2) [~~(B)~~] a windblown vessel over 14 feet in length.

1-21 (c) The department shall issue a boater identification card
1-22 to a person who has successfully completed:

1-23 (1) a boater education course, including an exit
1-24 examination, approved by the department; or

1-25 (2) a course equivalency examination approved by the
1-26 department.

1-27 SECTION 2. Section 31.110, Parks and Wildlife Code, is
1-28 amended to read as follows:

1-29 Sec. 31.110. EXEMPTION FROM BOATER EDUCATION COURSE
1-30 REQUIREMENT. (a) A person is not required to comply with Section
1-31 31.109 if the person:

1-32 (1) holds a master's, mate's, or operator's license
1-33 issued by the United States Coast Guard;

1-34 (2) is supervised by a person who:

1-35 (A) is otherwise exempt from the requirements of
1-36 Section 31.109 or possesses a boater identification card as
1-37 required by Section 31.109; and

1-38 (B) is at least 18 years of age; or

1-39 (3) [~~is at least 18 years of age,~~
1-40 [~~(4)~~] is not a resident of this state and has proof
1-41 that the person has successfully completed a boater education
1-42 course or equivalency examination in another state that is approved
1-43 by the department[, ~~or~~

1-44 [~~(5) is exempt by rule of the department~~].

1-45 (b) A person who is required to complete a boater education
1-46 course under Section 31.109 and who rents a vessel from a vessel
1-47 livery business is temporarily exempt from that requirement for the
1-48 lesser of the period of the rental agreement or seven days if the
1-49 person participates in an orientation for purposes of the rental
1-50 that includes instruction on all applicable state law. The vessel
1-51 livery business shall keep records regarding the instruction and
1-52 retain those records for a period of not less than one year.

1-53 SECTION 3. The Parks and Wildlife Commission shall adopt
1-54 rules to implement the examination required by Section 31.109,
1-55 Parks and Wildlife Code, as amended by this Act, not later than
1-56 January 1, 2010.

1-57 SECTION 4. This Act takes effect September 1, 2009.

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