

BILL ANALYSIS

H.B. 308
By: Menendez
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Federal regulations currently require a recreational vessel that is more than 16 feet in length, with certain exceptions, to have a personal flotation device for each person on board, as well as at least one Type IV personal flotation device. H.B. 308 adds the requirement that each vessel have at least one Type IV personal flotation device to provisions of the Parks and Wildlife Code so boaters, marine safety enforcement officers, prosecutors, and judges can refer to the requirement in state law rather than in federal regulations. In addition, the bill replaces the obsolete term "life preserver" with the more universally recognized term "personal flotation device."

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

H.B. 308 amends the Parks and Wildlife Code to replace references to a life preserver with references to a personal flotation device in provisions relating to the life preserving devices a motorboat is required to have readily accessible for each person on board. The bill prohibits a person from operating a recreational vessel 16 feet or more in length, not including a kayak, unless the vessel is equipped with at least one personal flotation device for each person on board and at least one Type IV personal flotation device of the sort prescribed by the regulations of the commandant of the Coast Guard. The bill adds to the safety equipment with which all punts, rowboats, sailboats, and rubber rafts that are 16 feet or more in length must be equipped, when such vessels are paddled, poled, oared, or windblown, at least one Type IV personal flotation device of the sort prescribed by the regulations of the commandant of the Coast Guard. The bill makes conforming and nonsubstantive changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.