

BILL ANALYSIS

H.B. 555
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current Texas law, the Parks and Wildlife Department (TPWD) is required to report to the United States Coast Guard any boating accident that results in property damage of \$500 or more, as reported to TPWD by boat operators and marine safety enforcement officers. Current federal regulations, however, require the coast guard to collect data about boating accidents that result in property damage of \$2,000 or more, and so the coast guard rejects all boating accident reports from TPWD that do not meet the \$2,000 federal threshold. Continuing to require boat operators and enforcement officers in Texas to report boating accidents to TPWD at the state's \$500 threshold creates an inefficient use of time and manpower.

H.B. 555, among other provisions, increases from \$500 to \$2,000 the minimum amount of property damage that constitutes a reportable boating accident in Texas, a change that will have a positive fiscal impact on TPWD by reducing the number of accidents being investigated and reported by enforcement officers. The bill also requires the Parks and Wildlife Commission by rule to adopt the \$2,000 minimum threshold, thereby negating the need for future legislation if future adjustments are made in the federal minimum threshold.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 4 of this bill.

ANALYSIS

H.B. 555 amends the Parks and Wildlife Code to require the operator of a vessel involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of a specified amount to report a full description of the incident to the Parks and Wildlife Department (TPWD), rather than filing such information with TPWD, in accordance with regulations established by TPWD. The bill increases the minimum amount of damage to property that requires such a report from \$500 to an amount set by the Parks and Wildlife Commission of not less than \$2,000. The bill requires the commission, not later than December 1, 2011, to adopt rules required to implement these provisions and specifies that these provisions apply only to a report for an accident that occurs on or after January 1, 2012.

H.B. 555 changes the deadline for a marine safety enforcement officer to report to TPWD any incident the officer investigates that involves a boating accident, water fatality, or person who allegedly operates a boat while intoxicated from the 15th day after the date the incident occurred to the 15th day after the date the officer initially became aware of the incident.

H.B. 555 repeals Section 24(g), Water Safety Act (Article 9206, Vernon's Texas Civil Statutes), as added by Section 1, Chapter 48 (H.B. 146), Acts of the 64th Legislature, Regular Session, 1975, establishing a penalty for failing to comply with a previously repealed provision that required the operator of a vessel involved in a collision, accident, or casualty to render aid to other persons affected.

EFFECTIVE DATE

September 1, 2011.