

AN ACT

relating to life preserving devices on recreational vessels.

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

SECTION 1. Section 31.003, Parks and Wildlife Code, is amended by adding Subdivision (17) to read as follows:

(17) "Coast Guard" means the United States Coast Guard.

SECTION 2. Section 31.066, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.066. LIFE PRESERVING DEVICES. (a) A motorboat, including a motorboat carrying passengers for hire, must carry ~~[have]~~ at least one wearable personal flotation ~~[life preserver, life belt, ring buoy, or other]~~ device of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board, so placed as to be readily accessible.

~~(b) [A motorboat carrying passengers for hire must have a readily accessible life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.]~~

~~[(c)]~~ The operator of a ~~[class A or class 1]~~ motorboat less than 26 feet in length, while underway, shall require every passenger under 13 years of age to wear a wearable personal flotation device ~~[life preserver]~~ of the sort prescribed by the regulations of the commandant of the Coast Guard. A life belt or

1 ring buoy does not satisfy this requirement.

2 (c) A person may not operate a recreational vessel 16 feet
3 or more in length unless the vessel is equipped with:

4 (1) the number of wearable personal flotation devices
5 required under Subsection (a); and

6 (2) additionally, at least one immediately accessible
7 Type IV throwable flotation device of the sort prescribed by the
8 regulations of the commandant of the Coast Guard.

9 (d) A person under 13 years of age on board a vessel
10 described by Section 31.073(a) or (b) must wear a wearable personal
11 flotation device of the sort prescribed by the commandant of the
12 Coast Guard while the vessel is under way.

13 (e) An adult operator of a vessel described by Section
14 31.073 may not permit a person under 13 years of age to be on board
15 the vessel while the vessel is under way if the person under 13
16 years of age is not wearing a wearable personal flotation device
17 required by Subsection (d).

18 SECTION 3. The heading to Section 31.073, Parks and
19 Wildlife Code, is amended to read as follows:

20 Sec. 31.073. CANOES, PUNTS, ROWBOATS, SAILBOATS, RUBBER
21 RAFTS, RACING SHELLS, ROWING SCULLS, ~~[AND RACING]~~ KAYAKS, AND OTHER
22 PADDLE CRAFT; EQUIPMENT EXEMPTIONS.

23 SECTION 4. Section 31.073, Parks and Wildlife Code, is
24 amended by amending Subsections (a) and (b) and adding Subsection
25 (a-1) to read as follows:

26 (a) All canoes, kayaks, punts, rowboats, sailboats, ~~[and]~~
27 rubber rafts, and other paddle craft when paddled, poled, oared, or

1 windblown are exempt from all safety equipment requirements except
2 each vessel must have the following:

3 (1) one Coast Guard approved wearable personal
4 flotation [~~lifesaving~~] device for each person aboard; and

5 (2) the lights prescribed by the commandant of the
6 Coast Guard for [~~class A~~] vessels and required under Section
7 31.064.

8 (a-1) Notwithstanding Subsection (a), a vessel described by
9 that subsection, except a canoe or kayak, that is 16 feet or more in
10 length must be equipped with at least one Type IV personal flotation
11 device of the sort prescribed by the regulations of the commandant
12 of the Coast Guard.

13 (b) Racing shells, rowing sculls, and racing kayaks while
14 participating in or practicing for an officially sanctioned race
15 are exempt from all safety equipment requirements except the lights
16 prescribed by the commandant of the Coast Guard for [~~class A~~]
17 vessels and required under Section 31.064.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 308 was passed by the House on April 7, 2011, by the following vote: Yeas 140, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 308 on May 25, 2011, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 308 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor