

By: Menendez

H.B. No. 308

A BILL TO BE ENTITLED

AN ACT

relating to life preserving devices on recreational vessels.

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

SECTION 1. Section 31.066, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.066. LIFE PRESERVING DEVICES. (a) A motorboat must have at least one personal flotation device [~~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 personal flotation device [~~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, while underway, shall require every passenger under 13 years of age to wear a personal flotation device [~~life preserver~~] of the sort prescribed by the regulations of the commandant of the Coast Guard. A life belt or ring buoy does not satisfy this requirement.

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

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

(2) additionally, at least one Type IV personal

1 flotation device of the sort prescribed by the regulations of the
2 commandant of the Coast Guard.

3 (e) Subsection (d) does not apply to the operation of a
4 kayak.

5 SECTION 2. Section 31.073, Parks and Wildlife Code, is
6 amended by amending Subsection (a) and adding Subsections (a-1) and
7 (a-2) to read as follows:

8 (a) All canoes, punts, rowboats, sailboats, and rubber
9 rafts when paddled, poled, oared, or windblown are exempt from all
10 safety equipment requirements except as provided by this section.

11 (a-1) A canoe of any length and any other vessel described
12 by Subsection (a) that is under 16 feet in length must be equipped
13 with [the following]:

14 (1) one Coast Guard approved lifesaving device for
15 each person aboard; and

16 (2) the lights prescribed by the commandant of the
17 Coast Guard for class A vessels and required under Section 31.064.

18 (a-2) A vessel described by Subsection (a) that is 16 feet
19 or more in length and that is not a canoe must be equipped with:

20 (1) the safety equipment prescribed by Subsection
21 (a-1); and

22 (2) additionally, at least one Type IV personal
23 flotation device of the sort prescribed by the regulations of the
24 commandant of the Coast Guard.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2011.