

1-1 By: Menendez (Senate Sponsor - Watson) H.B. No. 308  
1-2 (In the Senate - Received from the House April 11, 2011;  
1-3 April 20, 2011, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 17, 2011, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 6, Nays 0; May 17, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 308 By: Watson

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

1-10 relating to life preserving devices on recreational vessels.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Section 31.003, Parks and Wildlife Code, is  
1-13 amended by adding Subdivision (17) to read as follows:  
1-14 (17) "Coast Guard" means the United States Coast  
1-15 Guard.  
1-16 SECTION 2. Section 31.066, Parks and Wildlife Code, is  
1-17 amended to read as follows:  
1-18 Sec. 31.066. LIFE PRESERVING DEVICES. (a) A motorboat,  
1-19 including a motorboat carrying passengers for hire, must carry  
1-20 [have] at least one wearable personal flotation [life preserver,  
1-21 life belt, ring buoy, or other] device of the sort prescribed by the  
1-22 regulations of the commandant of the Coast Guard for each person on  
1-23 board, so placed as to be readily accessible.  
1-24 ~~(b) [A motorboat carrying passengers for hire must have a~~  
1-25 ~~readily accessible life preserver of the sort prescribed by the~~  
1-26 ~~regulations of the commandant of the Coast Guard for each person on~~  
1-27 ~~board.~~  
1-28 ~~[(c)] The operator of a [class A or class 1] motorboat less~~  
1-29 ~~than 26 feet in length, while underway, shall require every~~  
1-30 ~~passenger under 13 years of age to wear a wearable personal~~  
1-31 ~~flotation device [life preserver] of the sort prescribed by the~~  
1-32 ~~regulations of the commandant of the Coast Guard. A life belt or~~  
1-33 ~~ring buoy does not satisfy this requirement.~~  
1-34 (c) A person may not operate a recreational vessel 16 feet  
1-35 or more in length unless the vessel is equipped with:  
1-36 (1) the number of wearable personal flotation devices  
1-37 required under Subsection (a); and  
1-38 (2) additionally, at least one immediately accessible  
1-39 Type IV throwable flotation device of the sort prescribed by the  
1-40 regulations of the commandant of the Coast Guard.  
1-41 (d) A person under 13 years of age on board a vessel  
1-42 described by Section 31.073(a) or (b) must wear a wearable personal  
1-43 flotation device of the sort prescribed by the commandant of the  
1-44 Coast Guard while the vessel is under way.  
1-45 (e) An adult operator of a vessel described by Section  
1-46 31.073 may not permit a person under 13 years of age to be on board  
1-47 the vessel while the vessel is under way if the person under 13  
1-48 years of age is not wearing a wearable personal flotation device  
1-49 required by Subsection (d).  
1-50 SECTION 3. The heading to Section 31.073, Parks and  
1-51 Wildlife Code, is amended to read as follows:  
1-52 Sec. 31.073. CANOES, PUNTS, ROWBOATS, SAILBOATS, RUBBER  
1-53 RAFTS, RACING SHELLS, ROWING SCULLS, ~~[AND RACING]~~ KAYAKS, AND OTHER  
1-54 PADDLE CRAFT; EQUIPMENT EXEMPTIONS.  
1-55 SECTION 4. Section 31.073, Parks and Wildlife Code, is  
1-56 amended by amending Subsections (a) and (b) and adding Subsection  
1-57 (a-1) to read as follows:  
1-58 (a) All canoes, kayaks, punts, rowboats, sailboats, ~~[and]~~  
1-59 rubber rafts, and other paddle craft when paddled, poled, oared, or  
1-60 windblown are exempt from all safety equipment requirements except  
1-61 each vessel must have the following:  
1-62 (1) one Coast Guard approved wearable personal  
1-63 flotation [lifesaving] device for each person aboard; and

2-1 (2) the lights prescribed by the commandant of the  
2-2 Coast Guard for [~~class A~~] vessels and required under Section  
2-3 31.064.

2-4 (a-1) Notwithstanding Subsection (a), a vessel described by  
2-5 that subsection, except a canoe or kayak, that is 16 feet or more in  
2-6 length must be equipped with at least one Type IV personal flotation  
2-7 device of the sort prescribed by the regulations of the commandant  
2-8 of the Coast Guard.

2-9 (b) Racing shells, rowing sculls, and racing kayaks while  
2-10 participating in or practicing for an officially sanctioned race  
2-11 are exempt from all safety equipment requirements except the lights  
2-12 prescribed by the commandant of the Coast Guard for [~~class A~~]  
2-13 vessels and required under Section 31.064.

2-14 SECTION 5. This Act takes effect immediately if it receives  
2-15 a vote of two-thirds of all the members elected to each house, as  
2-16 provided by Section 39, Article III, Texas Constitution. If this  
2-17 Act does not receive the vote necessary for immediate effect, this  
2-18 Act takes effect September 1, 2011.

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