

By: Harper-Brown

H.B. No. 3297

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the registration and titling of motorboats, vessels,
3 and outboard motors by the Texas Department of Motor Vehicles.

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

5 SECTION 1. Section 11.032(b), Parks and Wildlife Code, is
6 amended to read as follows:

7 (b) The department shall deposit to the credit of the game,
8 fish, and water safety account all revenue, less allowable costs,
9 from the following sources:

10 (1) all types of fishing licenses and stamps and
11 shrimping licenses, except as provided by Section 77.120;

12 (2) all types of hunting licenses and stamps;

13 (3) trapping licenses and other licenses relating to
14 the taking, propagation, and sale of fur-bearing animals or their
15 pelts;

16 (4) sale of marl, sand, gravel, shell, and mudshell;

17 (5) oyster bed rentals and permits;

18 (6) federal funds received for fish and wildlife
19 research, management, development and conservation, resource
20 protection, and law enforcement, unless the funds are received for
21 the specific purposes of Subchapter F, Chapter 77 ;

22 (7) sale of property, less advertising costs,
23 purchased from this account or a special fund or account that is now
24 part of this account;

1 (8) fines and penalties collected for violations of a
2 law pertaining to the protection and conservation of wild birds,
3 wild fowl, wild animals, fish, shrimp, oysters, game birds and
4 animals, fur-bearing animals, alligators, and any other wildlife
5 resources of this state;

6 (9) sale of rough fish by the department;

7 (10) fees for importation permits;

8 (11) fees from supplying fish for or placing fish in
9 water located on private property;

10 (12) sale of seized pelts;

11 (13) sale or lease of grazing rights to and the
12 products from game preserves, sanctuaries, and management areas;

13 (14) contracts for the removal of fur-bearing animals
14 and reptiles from wildlife management areas;

15 (15) ~~[vessel registration fees,~~

16 ~~[(16) vessel manufacturer or dealer licensing fees,~~

17 ~~[(17)]~~ fines or penalties imposed by a court for
18 violation of water safety laws contained in Chapter 31 ~~[of this~~
19 ~~code]~~;

20 (16) ~~[(18)]~~ alligator hunter's or alligator buyer's
21 licenses;

22 (17) ~~[(19)]~~ sale of alligators or any part of an
23 alligator by the department;

24 (18) ~~[(20)]~~ fees and revenue collected under Section
25 11.027(b) or (c) of this code that are associated with the
26 conservation of fish and wildlife; and

27 (19) ~~[(21)]~~ any other source provided by law ~~[, and~~

1 ~~[(22) vessel and outboard motor titling fees]~~.

2 SECTION 2. Section 31.006, Parks and Wildlife Code, is
3 amended by amending Subsection (a) and adding Subsection (a-1) to
4 read as follows:

5 (a) Notwithstanding Section 11.001, in this section:

6 (1) "Commission" means the Texas Department of Motor
7 Vehicles.

8 (2) "Department" means the Texas Department of Motor
9 Vehicles.

10 (a-1) The department may authorize a dealer who holds a
11 dealer's or manufacturer's number to act as the agent of the
12 department under Subchapter B of this chapter and under Chapter
13 160, Tax Code, for the issuance of certificates of number and the
14 collection of fees and taxes for boats sold by that dealer.

15 SECTION 3. The heading to Section 31.021, Parks and
16 Wildlife Code, is amended to read as follows:

17 Sec. 31.021. DEFINITIONS; REQUIRED NUMBERING.

18 SECTION 4. Section 31.021, Parks and Wildlife Code, is
19 amended by amending Subsection (a) and adding Subsection (a-1) to
20 read as follows:

21 (a) Notwithstanding Section 11.001, in this subchapter:

22 (1) "Commission" means the Texas Department of Motor
23 Vehicles.

24 (2) "Department" means the Texas Department of Motor
25 Vehicles.

26 (a-1) Each vessel on the water of this state shall be
27 numbered in accordance with the provisions of this chapter unless

1 specifically exempted. The numbering system shall be in accord with
2 the Federal Boating Act of 1958 and subsequent federal legislation.

3 SECTION 5. The heading to Section 31.045, Parks and
4 Wildlife Code, is amended to read as follows:

5 Sec. 31.045. DEFINITIONS; OWNERSHIP OF VESSELS AND OUTBOARD
6 MOTORS; CERTIFICATES OF TITLE.

7 SECTION 6. Section 31.045, Parks and Wildlife Code, is
8 amended by amending Subsection (a) and adding Subsection (a-1) to
9 read as follows:

10 (a) Notwithstanding Section 11.001, in this subchapter:

11 (1) "Commission" means the Texas Department of Motor
12 Vehicles.

13 (2) "Department" means the Texas Department of Motor
14 Vehicles.

15 (a-1) The ownership of a vessel or of an outboard motor is
16 evidenced by a certificate of title issued by the department,
17 unless the vessel or the outboard motor is new.

18 SECTION 7. Section 160.001(4), Tax Code, is amended to read
19 as follows:

20 (4) "Department" means the Texas Department of Motor
21 Vehicles [~~Parks and Wildlife Department~~].

22 SECTION 8. Section 11.032(c), Parks and Wildlife Code, is
23 repealed.

24 SECTION 9. (a) Not later than January 1, 2012, the
25 following are transferred from the Parks and Wildlife Department to
26 the Texas Department of Motor Vehicles:

27 (1) the powers, duties, functions, programs, and

1 activities of the Parks and Wildlife Department relating to the
2 registration and titling of motorboats, vessels, and outboard
3 motors and the licensing of manufacturers, dealers, and
4 distributors under Section 31.006, Parks and Wildlife Code, and
5 Subchapters B and B-1, Chapter 31, Parks and Wildlife Code, as
6 amended by this Act;

7 (2) any obligations and contracts of the Parks and
8 Wildlife Department that are directly related to implementing a
9 power, duty, function, program, or activity transferred under this
10 subsection; and

11 (3) all property and records in the custody of the
12 Parks and Wildlife Department that are related to a power, duty,
13 function, program, or activity transferred under this subsection
14 and all funds appropriated by the legislature for that power, duty,
15 function, program, or activity.

16 (b) The Parks and Wildlife Department and the Texas
17 Department of Motor Vehicles may agree by memorandum of
18 understanding to transfer to the Texas Department of Motor Vehicles
19 any personnel of the Parks and Wildlife Department whose functions
20 predominantly involve powers, duties, obligations, functions, and
21 activities related to the registration and titling of motorboats,
22 vessels, and outboard motors and the licensing of manufacturers,
23 dealers, and distributors under Section 31.006, Parks and Wildlife
24 Code, and Subchapters B and B-1, Chapter 31, Parks and Wildlife
25 Code, as amended by this Act.

26 (c) A rule or form adopted by the Parks and Wildlife
27 Department that relates to a power, duty, function, program, or

1 activity transferred under Subsection (a) of this section is a rule
2 or form of the Texas Department of Motor Vehicles and remains in
3 effect until altered by the Texas Department of Motor Vehicles.

4 (d) A reference in law to the Parks and Wildlife Department
5 that relates to a power, duty, function, program, or activity
6 transferred under Subsection (a) of this section means the Texas
7 Department of Motor Vehicles.

8 SECTION 10. The Parks and Wildlife Department and the Texas
9 Department of Motor Vehicles shall enter into a memorandum of
10 understanding that:

11 (1) identifies in detail the applicable powers and
12 duties that are transferred by this Act; and

13 (2) establishes a plan for the identification and
14 transfer of the records, personnel, property, and unspent
15 appropriations of the Parks and Wildlife Department that are used
16 for purposes of the Parks and Wildlife Department's powers and
17 duties directly related to the registration and titling of
18 motorboats, vessels, and outboard motors and the licensing of
19 manufacturers, dealers, and distributors under Section 31.006,
20 Parks and Wildlife Code, and Subchapters B and B-1, Chapter 31,
21 Parks and Wildlife Code, as amended by this Act.

22 SECTION 11. This Act takes effect September 1, 2011.