

SENATE AMENDMENTS

2nd Printing

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

H.B. No. 308

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Atay Spaw
Secretary of the Senate

By: Watson

H.B. No. 308

Substitute the following for ___B. No. _____:

By: [Signature]

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

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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.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB308 by Menendez (Relating to life preserving devices on recreational vessels.), **As Passed
2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Parks and Wildlife Code relating to the use of personal flotation devices (PFD) on certain recreational water vessels. The bill would provide requirements for the types of PFDs that must be used on vessels of varying lengths. The bill would provide that persons under 13 years of age on certain vessels under way must wear a PFD. To the extent the bill would result in requirements for types of PFDs to be used on recreational water vessels, no significant fiscal implication to the Texas Parks and Wildlife Department for enforcement of the provisions is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, SD, KJG, KM, TB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 16, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB308 by Menendez (Relating to life preserving devices on recreational vessels.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Parks and Wildlife Code relating to the use of personal flotation devices (PFD) on certain recreational water vessels. The bill would provide requirements for the types of PFDs that must be used on vessels of varying lengths. The bill would provide that persons under 13 years of age on certain vessels under way must wear a PFD. To the extent the bill would result in requirements for types of PFDs to be used on recreational water vessels, no significant fiscal implication to the Texas Parks and Wildlife Department for enforcement of the provisions is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, KJG, KM, TB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 20, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB308 by Menendez (Relating to life preserving devices on recreational vessels.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Parks and Wildlife Code relating to the use of personal flotation devices (PFD) on recreational water vessels. The bill would provide requirements for the types of PFDs that must be used on vessels of varying lengths. To the extent the bill would result in requirements for types of PFDs to be used on recreational water vessels, no significant fiscal implication to the Texas Parks and Wildlife Department for enforcement of the provisions is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, KJG, KM, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 7, 2011

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB308 by Menendez (Relating to life preserving devices on recreational vessels.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Parks and Wildlife Code relating to the use of personal flotation devices (PFD) on recreational water vessels. The bill would provide requirements for the types of PFDs that must be used on vessels of varying lengths. To the extent the bill would result in requirements for types of PFDs to be used on recreational water vessels, no significant fiscal implication to the Texas Parks and Wildlife Department for enforcement of the provisions is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, KM, TB