

House Bill 308
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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

SENATE VERSION (CS)

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 ring buoy does not satisfy this requirement.

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

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

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

(d) A person under 13 years of age on board a vessel described by Section 31.073(a) or (b) must wear a wearable

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

No equivalent provision.

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

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

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

- (1) one Coast Guard approved lifesaving device for each person aboard; and
- (2) the lights prescribed by the commandant of the Coast Guard for class A vessels and required under Section 31.064.

(a-2) A vessel described by Subsection (a) that is 16 feet or

personal flotation device of the sort prescribed by the commandant of the Coast Guard while the vessel is under way.

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

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

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

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

(a) All canoes, kayaks, punts, rowboats, sailboats, ~~and~~ rubber rafts, and other paddle craft when paddled, poled, oared, or windblown are exempt from all safety equipment requirements except each vessel must have the following:

- (1) one Coast Guard approved wearable personal flotation [lifesaving] device for each person aboard; and
- (2) the lights prescribed by the commandant of the Coast Guard for [class A] vessels and required under Section 31.064.

(a-1) Notwithstanding Subsection (a), a vessel described by

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more in length and that is not a canoe must be equipped with:
(1) the safety equipment prescribed by Subsection (a-1); and
(2) additionally, at least one Type IV personal flotation device of the sort prescribed by the regulations of the commandant of the Coast Guard.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

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that subsection, except a canoe or kayak, that is 16 feet or more in length must be equipped with at least one Type IV personal flotation device of the sort prescribed by the regulations of the commandant of the Coast Guard.

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

SECTION 5. Same as House version.

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