

BILL ANALYSIS

C.S.H.B. 1106
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the Water Safety Act contains sections that are outdated due to technological advances and assert that these outdated sections are problematic for boaters. These parties further assert that recent changes in the Code of Federal Regulations and a review of current state law necessitate an update of the act to avoid jeopardizing the federal funding provided to the Parks and Wildlife Department for the purpose of recreational boating safety. C.S.H.B. 1106 seeks to avoid such a loss of funding by, among other provisions, removing inconsistencies that exist between the Water Safety Act and the Code of Federal Regulations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1106 amends the Parks and Wildlife Code to remove a provision requiring the Parks and Wildlife Department (TPWD) to issue a block or blocks of numbers used for identifying vessels to each county tax assessor-collector for awarding to applicants on receipt of applications for certificates of number for vessels. The bill specifies that an owner identifier of a vessel as prescribed by federal law is not a public record. The bill changes the definition of "boat" to mean a vessel of a certain length, measured from the tip of the bow in a straight line to the stern, rather than end to end over the deck, excluding sheer.

C.S.H.B. 1106 specifies that an owner or operator of a vessel livery obtaining a certificate of number for a vessel being used as a motorboat prior to being rented is required to obtain the certificate before the vessel is rented or let for hire. The bill removes a provision requiring the owner of a vessel livery, to receive certificates of number, to apply directly to TPWD on application forms provided by TPWD. The bill requires the application for a certificate of title for a vessel to state the applicant is a vessel livery within the meaning of statutory provisions relating to water safety. The bill removes the provision requiring the facts stated in the application for a number to identify a vessel be sworn before an officer authorized to administer oaths.

C.S.H.B. 1106 removes provisions setting the following fees relating to vessels at \$25 and specifies that these fees are \$25 or an amount set by the Parks and Wildlife Commission, whichever amount is more:

- the application fee for a manufacturer's hull identification number
- the fee for replacing an altered, defaced, mutilated, or removed hull identification number
- the fee for replacing an altered, defaced, mutilated, or removed serial number on an outboard motor
- the application fee for a certificate of title on a homemade vessel

C.S.H.B. 1106 requires the form for an application for a certificate of title for a vessel or outboard motor to include the owner identifier as prescribed by federal law and the primary operation purpose, vessel type, propulsion type, engine drive type, and fuel in the required description of the vessel or outboard motor.

C.S.H.B. 1106 specifies that an original certificate of title for a vessel or outboard motor bears an assigned title number and that a replacement certificate of title consists of a new, printed title that bears a new title number. The bill establishes that the previous title number is void when the replacement certificate of title is issued and removes the requirements that "original" be printed on an original certificate of title and "duplicate original" be marked on a duplicate of the original certificate.

C.S.H.B. 1106 prohibits a person from operating on the coastal waters, defined by the bill as water that lies within nine nautical miles from the coastline of Texas, a vessel that is 16 feet or more in length, or any vessel operating as an uninspected passenger vessel, unless the vessel is equipped with readily accessible visual distress signals approved for day and night use in the number required by the commandant of the United States Coast Guard. The bill prohibits a person, between sunset and sunrise, from operating on the coastal waters a vessel less than 16 feet in length unless the vessel is equipped with readily accessible visual distress signals approved for night use in the number required by the commandant of the United States Coast Guard. The bill prohibits a person from operating a vessel on coastal waters unless each required visual distress signal is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1106 differs from the original only by amending the caption.