

By: Larson

H.B. No. 1106

A BILL TO BE ENTITLED

AN ACT

relating to the identification and operation of vessels in the waters of this state.

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

SECTION 1. Section 31.003(1), Parks and Wildlife Code, is amended to read as follows:

(1) "Boat" means a vessel not more than 65 feet in length, measured from the tip of the bow in a straight line to the stern [~~end to end over the deck, excluding sheer~~].

SECTION 2. Section 31.0341(a), Parks and Wildlife Code, is amended to read as follows:

(a) Each county tax assessor-collector shall award certificates of number under this chapter in the manner prescribed by this chapter and the regulations of the department. [~~The department shall issue a block or blocks of numbers to each county tax assessor-collector for awarding to applicants on receipt of applications.~~]

SECTION 3. Section 31.039, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), all [~~All~~] ownership records of the department made or kept under this chapter are public records.

(c) An owner identifier as prescribed by 33 C.F.R. Section

1 174.17 is not a public record.

2 SECTION 4. Sections 31.040(a) and (b), Parks and Wildlife
3 Code, are amended to read as follows:

4 (a) Before the vessel is rented or let for hire, the ~~[The]~~
5 owner or operator of a vessel livery shall obtain a certificate of
6 number for a vessel ~~[all vessels]~~ being used as a motorboat prior to
7 being rented ~~[motorboats to rent or let for hire]~~.

8 (b) ~~[To receive certificates of number, the owner of a~~
9 ~~vessel livery shall apply directly to the department on application~~
10 ~~forms provided by the department.]~~ The application for the
11 certificate of number under Section 31.024 or for a certificate of
12 title under Section 31.046 must state that the applicant is a vessel
13 livery within the meaning of this chapter ~~[, and the facts stated in~~
14 ~~the application must be sworn before an officer authorized to~~
15 ~~administer oaths]~~.

16 SECTION 5. Sections 31.043(b) and (d), Parks and Wildlife
17 Code, are amended to read as follows:

18 (b) The owner of a vessel that does not have a
19 manufacturer's hull identification number may file an application
20 for a hull identification number with the department on forms
21 approved by it. The application must include a sworn statement
22 describing the vessel, proving legal ownership, and, if known,
23 stating the reason for the lack of hull identification number. The
24 application must be signed by the owner of the vessel and must be
25 accompanied by a fee of \$25 or an amount set by the commission,
26 whichever amount is more, and a certificate from a game warden
27 commissioned by the department stating that the vessel has been

1 inspected by the officer and appears to be as applied for. On
2 receipt of the application in approved form, the department shall
3 enter the information on the records of its office and shall issue
4 to the applicant a hull identification number.

5 (d) A person who has a vessel with an altered, defaced,
6 mutilated, or removed hull identification number or an outboard
7 motor with an altered, defaced, mutilated, or removed serial number
8 shall file a sworn statement with the department describing the
9 vessel or outboard motor, proving legal ownership, and, if known,
10 stating the reason for the destruction, removal, or defacement of
11 the number. The statement must be accompanied by a fee of \$25 or an
12 amount set by the commission, whichever amount is more, and a
13 certificate from a game warden commissioned by the department that
14 the vessel or outboard motor has been inspected by the officer and
15 appears to be as applied for. On receipt of the statement in
16 approved form, the department shall enter the information on
17 records of its office and shall issue to the applicant a hull
18 identification number or outboard motor serial number.

19 SECTION 6. Sections 31.047(b) and (f), Parks and Wildlife
20 Code, are amended to read as follows:

21 (b) The form must contain:

22 (1) the owner's name, [and] address, and owner
23 identifier as prescribed by 33 C.F.R. Section 174.17 [of the
24 owner];

25 (2) a description of the vessel or outboard motor,
26 including, as appropriate, the manufacturer, make, model, year,
27 length, construction material, manufacturer's or builder's number,

1 hull identification number (HIN), motor number, outdrive number,
2 primary operation purpose, vessel type, propulsion type, engine
3 drive type, fuel, and horsepower;

4 (3) name and address of purchaser;

5 (4) date of purchase;

6 (5) name and address of any security interest owner;

7 (6) the appropriate affidavit as required by Section
8 160.042, Tax Code; and

9 (7) other information required by the department to
10 show the ownership of the vessel or outboard motor, a security
11 interest in the vessel or outboard motor, or a further description
12 of items listed in the subdivision.

13 (f) An application for a certificate of title on a homemade
14 vessel, the origin of which is based on the affidavit of the person
15 building the vessel, proof of materials incorporated into the
16 vessel, and the like, must be accompanied by a certificate from a
17 game warden commissioned by the department that the vessel has been
18 inspected by such officer and appears to be as applied for. The
19 applicant shall pay a fee of \$25 or an amount set by the commission,
20 whichever amount is more, to the department for this inspection.

21 SECTION 7. Section 31.049(d), Parks and Wildlife Code, is
22 amended to read as follows:

23 (d) An original certificate of title bears an assigned title
24 number. A replacement certificate of title consists of a new,
25 printed title that bears a new title number. The previous title
26 number is void when the replacement certificate of title is
27 issued. [~~"Original" shall be printed on an original certificate of~~

1 ~~title and "duplicate original" shall be marked on a duplicate of the~~
2 ~~original certificate.]~~

3 SECTION 8. Subchapter C, Chapter 31, Parks and Wildlife
4 Code, is amended by adding Section 31.074 to read as follows:

5 Sec. 31.074. VISUAL DISTRESS SIGNAL. (a) In this section:

6 (1) "Coastal waters" means the water that lies within
7 nine nautical miles from the coastline of this state.

8 (2) "Uninspected passenger vessel" has the meaning
9 assigned by 46 C.F.R. Section 24.10-1.

10 (3) "Visual distress signal" means a device that is
11 approved and required by the commandant of the United States Coast
12 Guard for the purpose of indicating a vessel in distress, including
13 flares, smoke signals, and non-pyrotechnic signals.

14 (b) No person may operate on the coastal waters a vessel
15 that is 16 feet or more in length, or any vessel operating as an
16 uninspected passenger vessel, unless the vessel is equipped with
17 readily accessible visual distress signals approved for day and
18 night use in the number required by the commandant of the United
19 States Coast Guard.

20 (c) Between sunset and sunrise, no person may operate on the
21 coastal waters a vessel less than 16 feet in length unless the
22 vessel is equipped with readily accessible visual distress signals
23 approved for night use in the number required by the commandant of
24 the United States Coast Guard.

25 (d) No person may operate a vessel on coastal waters unless
26 each visual distress signal required under this section is in
27 serviceable condition and the service life of the signal, if

1 indicated by a date marked on the signal, has not expired.

2 SECTION 9. This Act takes effect September 1, 2013.