

1-1 By: Larson (Senate Sponsor - Estes) H.B. No. 1106
 1-2 (In the Senate - Received from the House April 15, 2013;
 1-3 April 18, 2013, read first time and referred to Committee on
 1-4 Natural Resources; May 8, 2013, reported favorably by the
 1-5 following vote: Yeas 10, Nays 0; May 8, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the identification and operation of vessels in the
 1-22 waters of this state; authorizing a change in fees.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 31.003(1), Parks and Wildlife Code, is
 1-25 amended to read as follows:

1-26 (1) "Boat" means a vessel not more than 65 feet in
 1-27 length, measured from the tip of the bow in a straight line to the
 1-28 stern [~~end to end over the deck, excluding sheer~~].

1-29 SECTION 2. Section 31.0341(a), Parks and Wildlife Code, is
 1-30 amended to read as follows:

1-31 (a) Each county tax assessor-collector shall award
 1-32 certificates of number under this chapter in the manner prescribed
 1-33 by this chapter and the regulations of the department. [~~The~~
 1-34 ~~department shall issue a block or blocks of numbers to each county~~
 1-35 ~~tax assessor-collector for awarding to applicants on receipt of~~
 1-36 ~~applications.~~]

1-37 SECTION 3. Section 31.039, Parks and Wildlife Code, is
 1-38 amended by amending Subsection (a) and adding Subsection (c) to
 1-39 read as follows:

1-40 (a) Except as provided by Subsection (c), all [~~All~~]
 1-41 ownership records of the department made or kept under this chapter
 1-42 are public records.

1-43 (c) An owner identifier as prescribed by 33 C.F.R. Section
 1-44 174.17 is not a public record.

1-45 SECTION 4. Sections 31.040(a) and (b), Parks and Wildlife
 1-46 Code, are amended to read as follows:

1-47 (a) Before the vessel is rented or let for hire, the [~~The~~]
 1-48 owner or operator of a vessel livery shall obtain a certificate of
 1-49 number for a vessel [~~all vessels~~] being used as a motorboat prior to
 1-50 being rented [~~motorboats to rent or let for hire~~].

1-51 (b) [~~To receive certificates of number, the owner of a~~
 1-52 ~~vessel livery shall apply directly to the department on application~~
 1-53 ~~forms provided by the department.~~] The application for the
 1-54 certificate of number under Section 31.024 or for a certificate of
 1-55 title under Section 31.046 must state that the applicant is a vessel
 1-56 livery within the meaning of this chapter [~~and the facts stated in~~
 1-57 ~~the application must be sworn before an officer authorized to~~
 1-58 ~~administer oaths~~].

1-59 SECTION 5. Sections 31.043(b) and (d), Parks and Wildlife
 1-60 Code, are amended to read as follows:

1-61 (b) The owner of a vessel that does not have a

2-1 manufacturer's hull identification number may file an application
 2-2 for a hull identification number with the department on forms
 2-3 approved by it. The application must include a sworn statement
 2-4 describing the vessel, proving legal ownership, and, if known,
 2-5 stating the reason for the lack of hull identification number. The
 2-6 application must be signed by the owner of the vessel and must be
 2-7 accompanied by a fee of \$25 or an amount set by the commission,
 2-8 whichever amount is more, and a certificate from a game warden
 2-9 commissioned by the department stating that the vessel has been
 2-10 inspected by the officer and appears to be as applied for. On
 2-11 receipt of the application in approved form, the department shall
 2-12 enter the information on the records of its office and shall issue
 2-13 to the applicant a hull identification number.

2-14 (d) A person who has a vessel with an altered, defaced,
 2-15 mutilated, or removed hull identification number or an outboard
 2-16 motor with an altered, defaced, mutilated, or removed serial number
 2-17 shall file a sworn statement with the department describing the
 2-18 vessel or outboard motor, proving legal ownership, and, if known,
 2-19 stating the reason for the destruction, removal, or defacement of
 2-20 the number. The statement must be accompanied by a fee of \$25 or an
 2-21 amount set by the commission, whichever amount is more, and a
 2-22 certificate from a game warden commissioned by the department that
 2-23 the vessel or outboard motor has been inspected by the officer and
 2-24 appears to be as applied for. On receipt of the statement in
 2-25 approved form, the department shall enter the information on
 2-26 records of its office and shall issue to the applicant a hull
 2-27 identification number or outboard motor serial number.

2-28 SECTION 6. Sections 31.047(b) and (f), Parks and Wildlife
 2-29 Code, are amended to read as follows:

2-30 (b) The form must contain:

2-31 (1) the owner's name, [and] address, and owner
 2-32 identifier as prescribed by 33 C.F.R. Section 174.17 [of the
 2-33 owner];

2-34 (2) a description of the vessel or outboard motor,
 2-35 including, as appropriate, the manufacturer, make, model, year,
 2-36 length, construction material, manufacturer's or builder's number,
 2-37 hull identification number (HIN), motor number, outdrive number,
 2-38 primary operation purpose, vessel type, propulsion type, engine
 2-39 drive type, fuel, and horsepower;

2-40 (3) name and address of purchaser;

2-41 (4) date of purchase;

2-42 (5) name and address of any security interest owner;

2-43 (6) the appropriate affidavit as required by Section
 2-44 160.042, Tax Code; and

2-45 (7) other information required by the department to
 2-46 show the ownership of the vessel or outboard motor, a security
 2-47 interest in the vessel or outboard motor, or a further description
 2-48 of items listed in the subdivision.

2-49 (f) An application for a certificate of title on a homemade
 2-50 vessel, the origin of which is based on the affidavit of the person
 2-51 building the vessel, proof of materials incorporated into the
 2-52 vessel, and the like, must be accompanied by a certificate from a
 2-53 game warden commissioned by the department that the vessel has been
 2-54 inspected by such officer and appears to be as applied for. The
 2-55 applicant shall pay a fee of \$25 or an amount set by the commission,
 2-56 whichever amount is more, to the department for this inspection.

2-57 SECTION 7. Section 31.049(d), Parks and Wildlife Code, is
 2-58 amended to read as follows:

2-59 (d) An original certificate of title bears an assigned title
 2-60 number. A replacement certificate of title consists of a new,
 2-61 printed title that bears a new title number. The previous title
 2-62 number is void when the replacement certificate of title is issued.
 2-63 ["Original" shall be printed on an original certificate of title
 2-64 and "duplicate original" shall be marked on a duplicate of the
 2-65 original certificate.]

2-66 SECTION 8. Subchapter C, Chapter 31, Parks and Wildlife
 2-67 Code, is amended by adding Section 31.074 to read as follows:

2-68 Sec. 31.074. VISUAL DISTRESS SIGNAL. (a) In this section:

2-69 (1) "Coastal waters" means the water that lies within

3-1 nine nautical miles from the coastline of this state.

3-2 (2) "Uninspected passenger vessel" has the meaning
3-3 assigned by 46 C.F.R. Section 24.10-1.

3-4 (3) "Visual distress signal" means a device that is
3-5 approved and required by the commandant of the United States Coast
3-6 Guard for the purpose of indicating a vessel in distress, including
3-7 flares, smoke signals, and non-pyrotechnic signals.

3-8 (b) No person may operate on the coastal waters a vessel
3-9 that is 16 feet or more in length, or any vessel operating as an
3-10 uninspected passenger vessel, unless the vessel is equipped with
3-11 readily accessible visual distress signals approved for day and
3-12 night use in the number required by the commandant of the United
3-13 States Coast Guard.

3-14 (c) Between sunset and sunrise, no person may operate on the
3-15 coastal waters a vessel less than 16 feet in length unless the
3-16 vessel is equipped with readily accessible visual distress signals
3-17 approved for night use in the number required by the commandant of
3-18 the United States Coast Guard.

3-19 (d) No person may operate a vessel on coastal waters unless
3-20 each visual distress signal required under this section is in
3-21 serviceable condition and the service life of the signal, if
3-22 indicated by a date marked on the signal, has not expired.

3-23 SECTION 9. This Act takes effect September 1, 2013.

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