

BILL ANALYSIS

H.B. 1466
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have reported an increase in the number of vessels and outboard motors being abandoned in our coastal waterways. Many of these vessels have an identification number enabling the vessel to be tracked back to the last recorded owner. The parties contend, however, that it is often difficult to locate or verify the last real owner of a vessel and hold that person accountable for the removal of the vessel, as the last recorded owner of such a vessel often denies ownership claiming that the vessel had been sold or transferred to a new owner. The parties assert that, in this respect, the current system of registering, renewing, and transferring boat ownership is inadequate. H.B. 1466 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 1466 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Department (TPWD), as an alternative to the requirement to mail an application for the renewal of each certificate of number of a certain watercraft vessel to the owner of the vessel, to send the application electronically if the owner has agreed to receive TPWD communications electronically. The bill prohibits TPWD, an authorized agent, or a county tax assessor-collector from issuing a renewal certificate of number unless the sales and use tax due on the vessel is paid. The bill establishes a deadline by which the recorded owner of a vessel must notify TPWD of a change in ownership interest of a vessel numbered in Texas of not later than the 20th day after the date of, as applicable, the transfer by sale, donation, gift, or other means of all or any part of the owner's interest in the vessel; the destruction or disposal of the vessel; or the permanent removal of the vessel from Texas to another state or country. The bill removes the abandonment of the vessel from the circumstances under which that notification is required. The bill removes the requirement that the notification be accompanied by a surrender of the certificate of number and instead requires the notification to be on a form prescribed by TPWD that includes the name and address of the new owner, as applicable, and the vessel's certificate of number. The bill expands the conditions under which TPWD is required to cancel a vessel's certificate of number and enter the cancellation in its records to include the vessel being disposed of or permanently moved to another state or country and removes the abandonment of the vessel from those conditions. The bill establishes a deadline by which the new owner of a vessel must submit an application to TPWD with certain information regarding the owner and vessel and a certain fee not later than the 20th day after the date the ownership was transferred.

H.B. 1466 requires the recorded owner of a vessel or outboard motor to notify TPWD not later than the 20th day after the date of the transfer by sale, donation, gift, or other means of all or any part of the owner's interest in the vessel or outboard motor or of the permanent removal of the vessel or outboard motor from Texas to another state or country. The bill requires notification of such a transfer of interest or move to another state or country to be on a form prescribed by TPWD that includes the name and address of the new owner and, as applicable, the vessel's certificate of number and the serial number of the outboard motor. The bill requires the recorded owner, if a vessel or outboard motor for which TPWD has issued a certificate of title is destroyed or disposed of in another manner, to notify TPWD not later than the 20th day after the date of the destruction or disposal and to surrender to TPWD the certificate of title. The bill requires TPWD to cancel the title and enter the cancellation in TPWD's records on receipt of the notice of transfer, move, destruction, or disposal and subjects a recorded owner who fails to file such a notification or a notification of change in ownership interest of a vessel in accordance with the Water Safety Act, as amended by the bill, to penalties under the act and to certain removal costs and penalties under the Oil Spill Prevention and Response Act of 1991. The bill authorizes TPWD to begin enforcement of the 20-day period for an owner to notify TPWD of a change in ownership under the bill's provisions only on or after January 1, 2016.

EFFECTIVE DATE

September 1, 2015.