

1-1 By: Bonnen of Brazoria (Senate Sponsor - Huffman) H.B. No. 1466  
1-2 (In the Senate - Received from the House May 4, 2015;  
1-3 May 6, 2015, read first time and referred to Committee on  
1-4 Agriculture, Water, and Rural Affairs; May 12, 2015, reported  
1-5 favorably by the following vote: Yeas 6, Nays 0; May 12, 2015, sent  
1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Perry	X		
1-10	Zaffirini	X		
1-11	Creighton	X		
1-12	Hall	X		
1-13	Hinojosa		X	
1-14	Kolkhorst	X		
1-15	Rodríguez	X		

1-16 A BILL TO BE ENTITLED  
1-17 AN ACT

1-18 relating to Parks and Wildlife Department procedures for the  
1-19 transfer of ownership of boats or outboard motors; providing  
1-20 penalties; creating a criminal offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 31.025, Parks and Wildlife Code, is  
1-23 amended to read as follows:

1-24 Sec. 31.025. RENEWAL OF CERTIFICATES OF NUMBER. (a) An  
1-25 application for the renewal of each certificate of number shall be  
1-26 prepared by the department and mailed to the owner of the vessel, or  
1-27 sent electronically to the owner if the owner has agreed to receive  
1-28 department communications electronically, during the period of the  
1-29 last 90 days before the expiration date of the certificate. The same  
1-30 number shall be issued on renewal.

1-31 (b) The completed application for renewal may be returned to  
1-32 the department, to any county tax assessor-collector, or if  
1-33 permitted by the department, to an agent of the department.

1-34 (c) A completed application [~~Applications~~] not received  
1-35 during the 90-day period shall be treated in the same manner as an  
1-36 original application [~~applications~~].

1-37 (d) The department, an authorized agent, or a county tax  
1-38 assessor-collector may not issue a renewal certificate of number  
1-39 unless the tax due on the vessel under Chapter 160, Tax Code, is  
1-40 paid.

1-41 SECTION 2. Section 31.037, Parks and Wildlife Code, is  
1-42 amended to read as follows:

1-43 Sec. 31.037. CHANGE IN OWNERSHIP INTEREST; NOTICE TO  
1-44 DEPARTMENT. (a) The recorded owner of a vessel numbered in this  
1-45 state shall notify the department not later than the 20th day after  
1-46 the date:

1-47 (1) [~~within a reasonable time~~] of the transfer by  
1-48 sale, donation, gift, or other means of all or any part of the  
1-49 owner's [~~his~~] interest in the vessel, other than the creation of a  
1-50 security interest in the vessel;

1-51 (2) [~~, or~~] of the destruction or disposal  
1-52 [~~abandonment~~] of the vessel; or

1-53 (3) of the permanent removal of the vessel from this  
1-54 state to another state or country.

1-55 (a-1) The notification under Subsection (a) must be on a  
1-56 form prescribed by the department that includes:

1-57 (1) the name and address of the new owner, as  
1-58 applicable; and

1-59 (2) the vessel's certificate of number [~~notice shall~~  
1-60 be accompanied by a surrender of the certificate of number].

1-61 (b) If the vessel is destroyed, disposed of, or permanently

2-1 moved to another state or country ~~[abandoned]~~, the department shall  
 2-2 cancel the certificate of number and enter the cancellation in its  
 2-3 records.

2-4 (c) The new owner ~~[purchaser]~~ of a vessel shall, not later  
 2-5 than the 20th day after the date ownership was transferred, submit  
 2-6 an application to the department with:

- 2-7 (1) ~~[present]~~ evidence of ~~[his]~~ ownership;
- 2-8 (2) the new owner's ~~[to the department within a~~  
 2-9 ~~reasonable time along with his]~~ name and ~~[7]~~ address;
- 2-10 (3) ~~[7 and]~~ the number of the vessel; and
- 2-11 (4) ~~[shall at the same time pay to the department]~~ a  
 2-12 fee of \$2 or an amount set by the commission, whichever amount is  
 2-13 more.

2-14 (d) On receipt of the new owner's application and fee the  
 2-15 department shall transfer the certificate of number issued for the  
 2-16 vessel to the new owner. Unless the application is made and the fee  
 2-17 is paid on ~~[within a reasonable]~~ time, the vessel is without a  
 2-18 certificate of number, and it is unlawful for any person to operate  
 2-19 the vessel until the certificate is issued.

2-20 SECTION 3. Section 31.045, Parks and Wildlife Code, is  
 2-21 amended by adding Subsections (e), (f), (g), (h), and (i) to read as  
 2-22 follows:

2-23 (e) The recorded owner of a vessel or outboard motor shall  
 2-24 notify the department not later than the 20th day after the date:

- 2-25 (1) of the transfer by sale, donation, gift, or other  
 2-26 means of all or any part of the owner's interest in the vessel or  
 2-27 outboard motor; or
- 2-28 (2) of the permanent removal of the vessel or outboard  
 2-29 motor from this state to another state or country.

2-30 (f) Notification of a transfer of interest or move to  
 2-31 another state or country under Subsection (e) must be on a form  
 2-32 prescribed by the department that includes the name and address of  
 2-33 the new owner and, as applicable:

- 2-34 (1) the vessel's certificate of number; and
- 2-35 (2) the serial number of the outboard motor.

2-36 (g) If a vessel or outboard motor for which the department  
 2-37 has issued a certificate of title is destroyed or disposed of in a  
 2-38 manner not described by Subsection (e), the recorded owner shall  
 2-39 notify the department not later than the 20th day after the date of  
 2-40 the destruction or disposal and shall surrender to the department  
 2-41 the certificate of title.

2-42 (h) On receipt of notice under Subsection (e) or (g), the  
 2-43 department shall cancel the title and enter the cancellation in the  
 2-44 department's records.

2-45 (i) A recorded owner who fails to file notification in  
 2-46 accordance with Section 31.037 or this section:

- 2-47 (1) is subject to the penalties under Section 31.127;  
 2-48 and

2-49 (2) is subject to the removal costs under Section  
 2-50 40.108, Natural Resources Code, and penalties under Chapter 40,  
 2-51 Natural Resources Code, as the person considered responsible for an  
 2-52 abandoned vessel or outboard motor.

2-53 SECTION 4. The Parks and Wildlife Department may begin  
 2-54 enforcement of the 20-day period for an owner to notify the  
 2-55 department of a change in ownership under Sections 31.037 and  
 2-56 31.045, Parks and Wildlife Code, as amended by this Act, only on or  
 2-57 after January 1, 2016.

2-58 SECTION 5. This Act takes effect September 1, 2015.

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