

SENATE AMENDMENTS

2nd Printing

By: Larson

H.B. No. 337

A BILL TO BE ENTITLED

AN ACT

relating to the use of emergency engine cutoff switches on motorboats.

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

SECTION 1. Subchapter D, Chapter 31, Parks and Wildlife Code, is amended by adding Section 31.1071 to read as follows:

Sec. 31.1071. OPERATION OF MOTORBOAT WITH EMERGENCY ENGINE CUTOFF SWITCH. (a) In this section, "engine cutoff switch" means an emergency switch installed on a motorboat that:

(1) is designed to shut off the engine if:

(A) the motorboat operator using a lanyard attachment activates the switch by falling overboard or otherwise moving beyond the length of the lanyard; or

(B) the motorboat operator or a passenger using a wireless attachment activates the switch by falling overboard and submerging a man-overboard transmitter; and

(2) attaches:

(A) physically to the motorboat operator through the use of a lanyard worn by the operator; or

(B) wirelessly through the use of a water-activated man-overboard transmitter worn by the motorboat operator or any similarly equipped passenger on the motorboat.

(b) A motorboat operator may not operate a motorboat less than 26 feet in length and equipped by the manufacturer with an

1 engine cutoff switch while the engine is running and the motorboat
2 is underway without first verifying that the switch is operational
3 and fully functional and:

4 (1) if using a lanyard attachment, properly attaching
5 the lanyard, as appropriate for the specific motorboat, to the
6 operator's body or to the clothing or personal flotation device
7 being worn by the operator; or

8 (2) if using a wireless attachment, properly attaching
9 to each individual on the motorboat an operational man-overboard
10 transmitter.

11 SECTION 2. This Act takes effect September 1, 2019.

ADOPTED

MAY 14 2019

Lately Speed
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Alempbell*

1 Amend H.B. No. 337 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in added Section 31.1071, Parks
3 and Wildlife Code, strike Subsection (b) (page 1, lines 38 through
4 49) and substitute the following:

5 (b) A motorboat operator may not operate a motorboat less
6 than 26 feet in length and equipped by the manufacturer with an
7 engine cutoff switch while the motorboat is underway and moving at
8 greater than headway speed without first verifying that the
9 switch is operational and fully functional and properly attaching
10 the lanyard or wireless attachment, as appropriate for the specific
11 motorboat, to the operator's body or to the clothing or personal
12 flotation device being worn by the operator.

13 (2) Add the following appropriately numbered SECTION to the
14 bill and renumber subsequent SECTIONS of the bill accordingly:

15 SECTION __. Section 31.127, Parks and Wildlife Code, is
16 amended by adding Subsection (g) to read as follows:

17 (g) A person who operates a motorboat in violation of Section
18 31.1071 commits an offense punishable by a fine of not more than
19 \$200.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 15, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB337** by Larson (Relating to the use of emergency engine cutoff switches on motorboats.), **As Passed 2nd House**

<p>The bill would have an indeterminate, but positive, fiscal impact to the State because the number of offenses for operating certain motorboats without utilizing an emergency engine cutoff switch and associated revenue from fines cannot be determined.</p>
--

The bill would amend the Parks and Wildlife Code relating to the use of emergency cutoff switches on motorboats. Under the provisions of the bill, a person who operates certain motorboats without utilizing an emergency engine cutoff switch would commit an offense punishable by a fine of not more than \$200.

The Parks and Wildlife Department has indicated that game wardens and marine safety enforcement officers would educate motorboat operators regarding the new emergency engine cutoff switch requirements for a year after the bill take effect. The disposition of fines collected under the bill provisions would be deposited in accordance with Parks and Wildlife Code, Section 31.128. In cases filed by game wardens in justice courts, 85 percent of fine revenue would be deposited into General Revenue-Dedicated Game, Fish, and Water Safety Account No. 9 (GR-D No. 9). In cases filed by game wardens in county courts, 80 percent would be deposited into GR-D No. 9. In cases filed by marine safety enforcement officers, 60 percent would be deposited into GR-D. No. 9. The Parks and Wildlife Department indicates that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

According the Comptroller of Public Accounts, the number of offenses for operating certain motorboats without utilizing an emergency engine cutoff switch and associated revenue from fines cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 802 Parks and Wildlife Department
LBB Staff: WP, TBo, SZ, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 4, 2019

TO: Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB337 by Larson (Relating to the use of emergency engine cutoff switches on motorboats.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code relating to the use of emergency cutoff switches on motorboats.

The Parks and Wildlife Department indicates that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: WP, TBo, SZ, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 3, 2019

TO: Honorable John Cyrier, Chair, House Committee on Culture, Recreation & Tourism

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB337** by Larson (Relating to the use of emergency engine cutoff switches on motorboats.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code relating to the use of emergency cutoff switches on motorboats.

The Parks and Wildlife Department indicates that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: WP, SZ, MW, TBo