

BILL ANALYSIS

S.B. 1670
By: LaMantia
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the Texas Water Safety Act, a reportable boating incident must meet criteria including at least \$2,000 in damages or injury to or the death of a person. Because there is such a high threshold for incidents to qualify as incidents requiring reporting, multiple parties need access to information about the incident. However, information related to boating incidents can currently only be released to the boat operators involved. This means relevant parties like injured passengers, the family of the deceased, legal guardians, employers, and insurance providers are excluded from accessing the reports. S.B. 1670 seeks to address this issue by providing clear parameters for disclosing boating incident reports, which will allow for information to be released to parties that need to know about the accident.

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

S.B. 1670 amends the Parks and Wildlife Code to revise provisions relating to required reports of boating incidents involving a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of an amount set by the Parks and Wildlife Commission as follows:

- specifies that the injury resulting from such an incident that triggers the reporting requirement is an injury that requires medical treatment beyond the provision of first aid;
- specifies the person to whom the report is required to be provided at the Parks and Wildlife Department (TPWD) as a marine safety enforcement officer or game warden commissioned by TPWD;
- removes the provision making such reports confidential and inadmissible in court as evidence; and
- requires a marine safety enforcement officer who in the regular course of duty investigates such an incident to electronically file a written report of the incident with TPWD in a form prescribed by TPWD not later than the 15th day after the date the officer initially became aware of the incident.

S.B. 1670 establishes that, except as otherwise provided by the bill, such incident reports held by TPWD or another governmental entity are confidential and only for the use of TPWD and an authorized official or agency of the United States or a state or local governmental entity. The bill requires such entities to release such an incident report, on written request, to:

- TPWD or such an entity;
- the law enforcement agency that employs the marine safety enforcement officer who investigated the incident and filed the incident report with TPWD, including an agent of the law enforcement agency authorized by contract to obtain the information;
- the court in which a case involving a person involved in the incident is pending if the incident report is subpoenaed; or
- a person directly concerned in the incident or having an interest in the incident as:
 - a person involved in the incident;
 - the authorized representative of a person involved in the incident;
 - a vessel operator involved in the incident;
 - an employer, parent, or legal guardian of a vessel operator involved in the incident;
 - the owner of a vessel or property damaged in the incident;
 - a person who has established financial responsibility for a vessel involved in the incident, including a policyholder of a liability insurance policy covering the vessel;
 - an insurance company that issued an insurance policy covering a vessel involved in the incident;
 - an insurance company that issued a policy covering any person involved in the incident;
 - a person under contract to provide claims or underwriting information to a person who has established financial responsibility for a vessel involved in the incident or an insurance company that issued a policy covering such a vessel or person involved in the incident;
 - a radio or television station that holds a license issued by the Federal Communications Commission;
 - a newspaper that is a free newspaper of general circulation or qualified under the Government Code to publish legal notices, published at least weekly, and available and of interest to the general public in connection with the dissemination of news; or
 - a person who may sue because of death resulting from the incident.

S.B. 1670 requires TPWD, in addition to such information required by the bill to be released, to publish at least annually statistics derived from incident reports that relate to the number, cause, and location of the reported incidents. The bill requires TPWD, when releasing information to a radio or television station or newspaper under the bill, to withhold or redact specified identifying information of persons included in an incident report, the registration or hull identification number of a vessel included in such a report, the badge number or identification number of the investigating officer, the date of death of a person who died as a result of the incident, and the location to which a person injured or killed in the incident was transported or the person that provided the transportation. The bill requires the amount that may be charged for information provided under the bill to be calculated in the manner specified under state public information law for public information provided by a governmental body under that law.

S.B. 1670 establishes that provisions relating to reporting procedures for marine safety enforcement officers for incidents involving a boating accident, water fatality, or person who allegedly operates a boat while intoxicated do not apply to an incident required to be reported under the bill's provisions by a marine safety enforcement officer to TPWD. The bill applies only to an incident that occurs on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.