

- SUBJECT:** Requiring the wearing of a lifejacket during certain water sports
- COMMITTEE:** Culture, Recreation and Tourism — committee substitute recommended
- VOTE:** 6 ayes — K. King, Gervin-Hawkins, Frullo, Israel, Martinez, C. Morales
3 nays — Burns, Clardy, Krause
- WITNESSES:** For — (*Registered, but did not testify:* David Sinclair, Game Warden Peace Officers Association; Eric Woomer, Texas Pediatric Society)

Against — (*Registered, but did not testify:* Anna Alkire; Beth Maynard; Ruth York)

On — (*Registered, but did not testify:* Cody Jones, Texas Parks and Wildlife)
- BACKGROUND:** Parks and Wildlife Code sec. 31.127(a) provides that a violation of any provision of Parks and Wildlife Code ch. 31 is a class C Parks and Wildlife Code misdemeanor (fine of between \$25 and \$500).
- DIGEST:** CSHB 2499 would prohibit a person from operating a motorboat unless each person towed behind the motorboat or engaged in water sports in or on the motorboat's wake was wearing a personal flotation device of the sort prescribed by the commandant of the U.S. Coast Guard. A violation of the provisions of this bill would be a class C Parks and Wildlife Code misdemeanor (fine of between \$25 and \$500).

The bill would take effect September 1, 2021.
- SUPPORTERS SAY:** CSHB 2499 would save lives by requiring a person to wear a lifejacket while being towed behind a motorboat or engaging in other water sports in the wake of a motorboat. This would bring the requirements for these activities in line with lifejacket requirements for other water sports such as jet skiing. The majority of boating deaths occur in situations when a

person is not wearing a lifejacket, and CSHB 2499 would address this by adding a lifejacket requirement for the activities listed in the bill.

An adequate enforcement method is necessary in order to achieve the lifesaving purpose of the bill. Without adequate enforcement mechanisms, the lifejacket requirement would be symbolic. A class C misdemeanor provides an effective enforcement method that is justified by the potential to save human life created by requiring the wearing of a lifejacket.

CRITICS
SAY:

Wearing a lifejacket is a personal choice and the state should not regulate the wearing of lifejackets by adults. The bill also would create an unnecessary criminal offense for the state to enforce.