

## **BILL ANALYSIS**

Senate Research Center

S.B. 1199  
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Natural Resources  
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As Filed

### **DIGEST**

Currently, Texas law does not require operators of personal watercraft, generally known as "jet skis," to obtain certificates in order to use the personal watercraft. In recent years, as Texas' waterways have become increasingly crowded, an increase in ownership of personal watercraft owners has given rise to waterway use conflicts. Many communities have chosen to ban certain types of boats, especially personal watercraft.

S.B. 1199 would not deny access to one category of boaters, but rather seek cooperation between the various users of personal watercraft and the state through certification by the Texas Parks and Wildlife Department. This bill establishes a certification program and requires users of personal watercraft to become certified.

### **PURPOSE**

As proposed, S.B. 1199 requires users of personal watercraft to hold a jet ski operator's certificate and sets forth rules and provisions regarding certification courses.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Parks and Wildlife Commission under SECTION 3 (Sections 31.173 and 31.174, Parks and Wildlife Code) in this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 31.106(a), Parks and Wildlife Code, to prohibit a person from operating a personal watercraft if the personal watercraft is a motorboat within any area prohibited for operation of a motorboat by state law or local rule or regulation; and unless the operator holds a jet ski operator's certificate issued under Subchapter G, rather than providing that no person shall operate a personal watercraft in the following manner or under the following circumstances. Makes nonsubstantive and conforming changes.

SECTION 2. Amends Sections 31.124(a) and (c), Parks and Wildlife Code, to authorize an enforcement officer, in order to enforce the provisions of this chapter, to stop and board any vessel subject to this chapter and inspect the boat to determine compliance with applicable provisions, and if the vessel is a jet ski, to detain the person operating the vessel to determine if the person holds a jet ski operator's certificate as required by Subchapter G. Requires the operator of a vessel required by this chapter to hold a certificate of number or a jet ski operator's certificate aboard the vessel to show each certificate, as appropriate, to the officer on demand.

SECTION 3. Amends Chapter 31, Parks and Wildlife Code, by adding Subchapter G, as follows:

#### **SUBCHAPTER G. JET SKI OPERATOR CERTIFICATION**

Sec. 31.171. DEFINITION. Defines "jet ski."

Sec. 31.172. JET SKI OPERATOR'S CERTIFICATE REQUIRED. Authorizes, except as otherwise prohibited by this chapter, a person to operate a jet ski on water of this state if the person holds a jet ski operator's certificate issued by the Parks and Wildlife Department

(department) under Section 31.176, or a temporary jet ski operator's certificate issued by a certified jet ski instructor as provided by Section 31.177. Provides that a person is eligible to obtain a certificate required by this section only if the person is 18 years of age or older and has satisfactorily completed the certification course required by this subchapter for the particular certificate.

Sec. 31.173. **CERTIFICATION COURSES.** Requires the Parks and Wildlife Commission (commission), by rule, to adopt a jet ski certification course program designed to educate persons about and ensure the safe and responsible operation of jet skis. Sets forth the required contents of the program. Requires the department to ensure that the certification courses adopted under this section are available in each county having a population of more than 25,000 or for a county having a population of less than 25,000 in the county or adjacent county. Requires the department to administer the jet ski instructor's certification course. Authorizes the department to administer the jet ski operator's and the temporary jet ski operator's certification courses or to appoint agents to administer those courses. Prohibits the department from appointing a person as an agent under this section unless the person holds a jet ski instructor's certificate issued by the department under Section 31.175 and meets any additional requirements the commission, by rule, may establish.

Sec. 31.174. **FEES.** Requires the commission, by rule, to set certain fees. Sets forth provisions regarding the amount, collection, and forwarding of fees. Authorizes the agent to collect and keep an additional service fee the maximum amount of which may be set by the commission to permit the agent to recover the costs of providing the course and reasonable compensation for services and equipment.

Sec. 31.175. **JET SKI INSTRUCTOR'S CERTIFICATE.** Sets forth provisions regarding eligibility requirements and fees for a jet ski instructor's certificate. Provides that a jet ski instructor's certificate does not expire. Authorizes the revocation of the certificate if the holder of the certificate violates this chapter or a rule adopted under this chapter.

Sec. 31.176. **JET SKI OPERATOR'S CERTIFICATE.** Authorizes the department or an agent of the department to issue a jet ski operator's certificate to a person eligible under Section 31.172(b) subject to payment of the required course and certification fees. Provides that a jet ski operator's certificate does not expire. Authorizes the revocation of the certificate if the holder of the certificate violates this chapter or a rule adopted under this chapter.

Sec. 31.177. **TEMPORARY JET SKI OPERATOR'S CERTIFICATE.** Requires the department or an agent of the department to issue a temporary jet ski operator's certificate to a person eligible under Section 31.172(b) subject to payment of the required course and certification fees. Provides that a temporary jet ski operator's certificate expires 72 hours after issuance.

Sec. 31.178. **FORM OF CERTIFICATES.** Requires the department to prescribe the form of certificates authorized to be issued under this chapter.

Sec. 31.179. **JET SKI RENTAL RESTRICTED.** Prohibits any person from renting a jet ski to another person unless the person to whom the jet ski is rented and by whom the jet ski will be operated holds a jet ski operator's certificate or a temporary jet ski operator's certificate issued under this subchapter.

SECTION 4.(a) Effective date: September 1, 1997. Effective date for SECTIONS 1 and 2 of this Act and Section 31.179, Parks and Wildlife Code, as added by SECTION 3 of this Act: June 1, 1998.

(b) Requires the commission, not later than December 1, 1997, to adopt any rules necessary for the implementation and administration of the jet ski operator and jet ski instructor certification program created by Chapter 31G, Parks and Wildlife Code, as added by this Act.

(c) Requires the commission, not later than March 1, 1998, to authorize and implement the

certification courses authorized by Section 31.173, Parks and Wildlife Code, as added by this Act.

(d) Requires the department, not later than April 1, 1998, to begin issuing jet ski operator's and jet ski instructor's certificates as authorized by Chapter 31G, Parks and Wildlife Code, as added by this Act.

SECTION 5. Emergency clause.