

BILL ANALYSIS

Senate Research Center
82R1810 SLB-F

H.B. 308
By: Menendez (Watson)
Transportation & Homeland Security
5/3/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Federal regulations currently require a recreational vessel that is more than 16 feet in length, with certain exceptions, to have a personal flotation device for each person on board, as well as at least one Type IV personal flotation device.

H.B. 308 adds the requirement that each vessel have at least one Type IV personal flotation device to provisions of the Parks and Wildlife Code so boaters, marine safety enforcement officers, prosecutors, and judges can refer to the requirement in state law rather than in federal regulations.

In addition, the bill replaces the obsolete term "life preserver" with the more universally recognized term "personal flotation device."

H.B. 308 amends current law relating to life preserving devices on recreational vessels.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.066, Parks and Wildlife Code, as follows:

Sec. 31.066. LIFE PRESERVING DEVICES. (a) Requires that a motorboat have at least one personal flotation device, life belt, ring buoy, or other device, rather than at least one life preserver, life belt, ring buoy, or other device, of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board, so placed as to be readily accessible.

(b) Requires that a motorboat carrying passengers for hire have a readily accessible personal flotation device, rather than life preserver, of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.

(c) Requires the operator of a class A or class 1 motorboat, while underway, to require every passenger under 13 years of age to wear a personal flotation device, rather than life preserver, of the sort prescribed by the regulations of the commandant of the Coast Guard.

(d) Prohibits a person from operating a recreational vessel 16 feet or more in length unless the vessel is equipped with the number of personal flotation devices required under Subsection (a), and additionally, at least one Type IV personal flotation device of the sort prescribed by the regulations of the commandant of the Coast Guard.

(e) Provides that Subsection (d) does not apply to the operation of a kayak.

SECTION 2. Amends Section 31.073, Parks and Wildlife Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Exempts all canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, oared, or windblown from all safety equipment requirements except as provided by this section, rather than except certain equipment.

(a-1) Creates this subsection from existing text. Requires that a canoe of any length and any other vessel described by Subsection (a) that is under 16 feet in length be equipped with one Coast Guard approved lifesaving device for each person aboard, and the lights prescribed by the commandant of the Coast Guard for class A vessels and required under Section 31.064 (Lights).

(a-2) Requires that a vessel described by Subsection (a) that is 16 feet or more in length and that is not a canoe be equipped with the safety equipment prescribed by Subsection (a-1), and additionally, at least one Type IV personal flotation device of the sort prescribed by the regulations of the commandant of the Coast Guard.

SECTION 3. Effective date: upon passage or September 1, 2011.