

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 308
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Transportation & Homeland Security
5/16/2011
Committee Report (Substituted)

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.

C.S.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 31.003, Parks and Wildlife Code, by adding Subdivision (17) to define "Coast Guard."

SECTION 2. Amends Section 31.066, Parks and Wildlife Code, as follows:

Sec. 31.066. LIFE PRESERVING DEVICES. (a) Requires that a motorboat, including a motorboat carrying passengers for hire, carry at least one wearable personal flotation device, rather than have 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) Redesignates existing Subsection (c) as Subsection (b). Requires the operator of a motorboat less than 26 feet in length, rather than the operator of a class A or class 1 motorboat, while underway, to require every passenger under 13 years of age to wear a wearable personal flotation device, rather than a life preserver, of the sort prescribed by the regulations of the commandant of the Coast Guard. Deletes existing text of Subsection (b) requiring that a motorboat carrying passengers for hire have a readily accessible life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.

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

(d) Requires a person under 13 years of age on board a vessel described by Section 31.073(a) or (b) to wear a wearable personal flotation device of the sort prescribed by the commandant of the Coast Guard while the vessel is under way.

(e) Prohibits an adult operator of a vessel described by Section 31.073 from permitting a person under 13 years of age to be on board the vessel while the

vessel is under way if the person under 13 years of age is not wearing a wearable personal flotation device required by Subsection (d).

SECTION 3. Amends the heading to Section 31.073, Parks and Wildlife Code, to read as follows:

Sec. 31.073. CANOES, PUNTS, ROWBOATS, SAILBOATS, RUBBER RAFTS, RACING SHELLS, ROWING SCULLS, KAYAKS, AND OTHER PADDLE CRAFT; EQUIPMENT EXEMPTIONS.

SECTION 4. Amends Section 31.073, Parks and Wildlife Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Exempts all canoes, kayaks, punts, rowboats, sailboats, rubber rafts, and other paddle craft when paddled, poled, oared, or windblown from all safety equipment requirements except each vessel is required to have the following:

(1) one Coast Guard approved wearable personal flotation device, rather than lifesaving device, for each person aboard; and

(2) the lights prescribed by the commandant of the Coast Guard for vessels, rather than for class A vessels, and required under Section 31.064 (Lights).

(a-1) Requires that a vessel described by Subsection (a), notwithstanding that subsection, except a canoe or kayak, that is 16 feet or more in length be equipped with at least one Type IV personal flotation device of the sort prescribed by the regulations of the commandant of the Coast Guard.

(b) Exempts racing shells, rowing sculls, and racing kayaks while participating in or practicing for an officially sanctioned race from all safety equipment requirements except the lights prescribed by the commandant of the Coast Guard for vessels, rather than for class A vessels, and required under Section 31.064. Makes a nonsubstantive change.

SECTION 5. Effective date: upon passage or September 1, 2011.