

BILL ANALYSIS

Senate Research Center
83R13250 SLB-D

H.B. 1106
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Provisions in the Water Safety Act contain sections that are outdated due to technological advances and these outdated sections are problematic for boaters. Recent changes in the Code of Federal Regulations and a review of current state law necessitate an update of the Water Safety Act to avoid jeopardizing the federal funding provided to the Texas Parks and Wildlife Department for the purpose of recreational boating safety.

H.B. 1106 seeks to avoid such a loss of funding by, among other provisions, removing inconsistencies that exist between the Water Safety Act and the Code of Federal Regulations.

H.B. 1106 amends current law relating to the identification and operation of vessels in the waters of this state, and authorizes a change in fees.

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(1), Parks and Wildlife Code, to redefine "boat."

SECTION 2. Amends Section 31.0341(a), Parks and Wildlife Code, as follows:

(a) Requires each county tax assessor-collector to award certificates of number under this chapter in the manner prescribed by this chapter and the regulations of the Parks and Wildlife Department (TPWD). Deletes existing text requiring TPWD to issue a block or blocks of numbers to each county tax assessor-collector for awarding to applicants on receipt of applications.

SECTION 3. Amends Section 31.039, Parks and Wildlife Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that, except as provided by Subsection (c), all ownership records of TPWD made or kept under this chapter are public records.

(c) Provides that an owner identifier as prescribed by 33 C.F.R. Section 174.17 is not a public record.

SECTION 4. Amends Sections 31.040(a) and (b), Parks and Wildlife Code, as follows:

(a) Requires the owner or operator of a vessel livery, before the vessel is rented or let for hire, to obtain a certificate of number for a vessel, rather than for all vessels, being used as a motorboat prior to being rented, rather than used as motorboats to rent or let for hire.

(b) Requires that the application for the certificate of number under Section 31.024 (Application for Number) or for a certificate of title under Section 31.046 (Application for Certificate of Title) state that the applicant is a vessel livery within the meaning of this

chapter. Deletes existing text requiring the owner of a vessel livery, to receive certificates of number, to apply directly to TPWD on application forms provided by TPWD. Deletes existing text requiring that the application state that the applicant is a vessel livery within the meaning of this chapter, and the facts stated in the application are required to be sworn before an officer authorized to administer oaths.

SECTION 5. Amends Sections 31.043(b) and (d), Parks and Wildlife Code, as follows:

(b) Authorizes the owner of a vessel that does not have a manufacturer's hull identification number to file an application for a hull identification number with TPWD on forms approved by it. Requires that the application include a sworn statement describing the vessel, proving legal ownership, and, if known, stating the reason for the lack of hull identification number. Requires that the application be signed by the owner of the vessel and be accompanied by a fee of \$25 or an amount set by the Texas Parks and Wildlife Commission (commission), whichever amount is more, and a certificate from a game warden commissioned by TPWD stating that the vessel has been inspected by the officer and appears to be as applied for. Requires TPWD, on receipt of the application in approved form, to enter the information on the records of its office and to issue to the applicant a hull identification number.

(d) Requires a person who has a vessel with an altered, defaced, mutilated, or removed hull identification number or an outboard motor with an altered, defaced, mutilated, or removed serial number to file a sworn statement with TPWD describing the vessel or outboard motor, proving legal ownership, and, if known, stating the reason for the destruction, removal, or defacement of the number. Requires that the statement be accompanied by a fee of \$25 or an amount set by the commission, whichever amount is more, and a certificate from a game warden commissioned by TPWD that the vessel or outboard motor has been inspected by the officer and appears to be as applied for. Requires TPWD, on receipt of the statement in approved form, to enter the information on records of its office and to issue to the applicant a hull identification number or outboard motor serial number.

SECTION 6. Amends Sections 31.047(b) and (f), Parks and Wildlife Code, as follows:

(b) Requires that the form contain:

(1) the owner's name, address, and owner identifier as prescribed by 33 C.F.R. Section 174.17, rather than the name and address of the owner;

(2) a description of the vessel or outboard motor, including, as appropriate, the manufacturer, make, model, year, length, construction material, manufacturer's or builder's number, hull identification number (HIN), motor number, outdrive number, primary operation purpose, vessel type, propulsion type, engine drive type, fuel, and horsepower; and

(3)-(7) Makes no change to these subdivisions.

(f) Requires that an application for a certificate of title on a homemade vessel, the origin of which is based on the affidavit of the person building the vessel, proof of materials incorporated into the vessel, and the like, be accompanied by a certificate from a game warden commissioned by TPWD that the vessel has been inspected by such officer and appears to be as applied for. Requires the applicant to pay a fee of \$25 or an amount set by the commission, whichever amount is more, to TPWD for this inspection.

SECTION 7. Amends Section 31.049(d), Parks and Wildlife Code, as follows:

(d) Provides that an original certificate of title bears an assigned title number. Provides that a replacement certificate of title consists of a new, printed title that bears a new title number. Provides that the previous title number is void when the replacement certificate of title is issued. Deletes existing text requiring that "original" be printed on an original

certificate of title and "duplicate original" be marked on a duplicate of the original certificate.

SECTION 8. Amends Subchapter C, Chapter 31, Parks and Wildlife Code, by adding Section 31.074, as follows:

Sec. 31.074. VISUAL DISTRESS SIGNAL. (a) Defines, in this section, "coastal waters," "uninspected passenger vessel," and "visual distress signal."

(b) Provides that no person is authorized to operate on the coastal waters a vessel that is 16 feet or more in length, or any vessel operating as an uninspected passenger vessel, unless the vessel is equipped with readily accessible visual distress signals approved for day and night use in the number required by the commandant of the United States Coast Guard.

(c) Provides that, between sunset and sunrise, no person is authorized to operate on the coastal waters a vessel less than 16 feet in length unless the vessel is equipped with readily accessible visual distress signals approved for night use in the number required by the commandant of the United States Coast Guard.

(d) Provides that no person is authorized to operate a vessel on coastal waters unless each visual distress signal required under this section is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

SECTION 9. Effective date: September 1, 2013.