

By: Legler

H.B. No. 4197

A BILL TO BE ENTITLED

AN ACT

relating to boating safety and boater education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.106(a), Parks and Wildlife Code, is amended to read as follows:

(a) No person shall operate a personal watercraft in the following manner or under the following circumstances:

(1) unless each person riding on or towed behind the vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V personal flotation device;

(2) if the vessel is equipped by the manufacturer with a lanyard type engine cutoff switch, unless such lanyard is attached to the person, clothing, or personal flotation device of the

operator as appropriate for the vessel involved;

(3) during the period between sunset and sunrise;

(4) within 50 feet of any other vessel, person, stationary platform or other object, or shore, except at headway speed;

(5) [~~if the operator is under 16 years of age,~~] unless the operator has successfully completed a boater education course as required by Section 31.109 or is otherwise exempt under Section 31.110 [~~÷~~

~~[(A) is accompanied by a person at least 18 years of age; or~~

~~[(B) is at least 13 years of age and has successfully completed a boating safety course prescribed and approved by the department];~~

(6) if the personal watercraft is a motorboat, within any area prohibited for operation of a motorboat by state law or local rule or regulation;

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(7) while towing water skis, an aquaplane, a surfboard, a tube, or any other similar device, unless the towing vessel is designed to carry on board a minimum of two persons;

(8) by jumping the wake of another vessel recklessly or unnecessarily close to that vessel; or

(9) in a manner that requires the operator to swerve at the last possible moment to avoid collision.

SECTION 2. Section 31.107, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.107. OPERATION OF MOTORBOAT. No person may operate a motorboat [~~of over 15 horsepower~~] on the public waters of this state unless the person [~~is 16 years of age or older or:~~

~~(1) is accompanied by a person (18) years of age or older; or~~

~~(2) is at least 13 years of age and] has successfully passed a boating safety course as required by Section 31.109 or is otherwise exempt under Section 31.110 [~~prescribed and approved by~~~~

~~the department]~~.

SECTION 3. Section 31.108, Parks and Wildlife Code, is amended by amending Subsections (d) and (f) and adding Subsections (d-1) and (g) to read as follows:

(d) The department may appoint agents to:

(1) administer a boater education course, including a course administered on the Internet or by home study, or course equivalency examination; and

(2) issue boater identification cards under guidelines established by the commission.

(d-1) An agent appointed under Subsection (d) may charge a reasonable fee for services provided under Subsection (d) as provided by the agent's contract with the department.

(f) The department may use volunteer instructors or other agents to minimize the cost of the course. The department may charge a person who enrolls in a boater education course a fee not to exceed \$15. The department by rule may permit a volunteer

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instructor or other agent to collect the fee and to retain a portion of the fee to reimburse the volunteer or other agent for the volunteer's or agent's necessary and reasonable expenses associated with teaching the course [~~An agent acting under authority of Subsection (d):~~]

~~[(1) shall collect a \$10 examination or course fee and forward the fee and any examination documentation to the department not later than the 30th day after the date the examination or course is administered; and~~

~~[(2) may collect and keep a \$3 service fee].~~

(g) The department shall determine the qualifications for a boater education instructor and shall recruit, train, and certify a boater education instructor. The department may establish an incentive program to encourage individuals to volunteer as instructors.

SECTION 4. Section 31.110, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.110. EXEMPTION FROM BOATER EDUCATION COURSE REQUIREMENT. A person is not required to comply with Section 31.109 if the person:

(1) holds a master's, mate's, or operator's license issued by the United States Coast Guard;

(2) is supervised by a person who:

(A) is otherwise exempt from the requirements of Section 31.109 or possesses a boater identification card as required by Section 31.109; and

(B) is at least 18 years of age;

(3) ~~[is at least 18 years of age;~~

~~[-4)]~~ is not a resident of this state and has proof that the person has successfully completed a boater education course or equivalency examination in another state that is approved by the department; or

(4) ~~[-5)]~~ is exempt by rule of the department.

SECTION 5. Subchapter D, Chapter 31, Parks and Wildlife Code,

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is amended by adding Section 31.112 to read as follows:

Sec. 31.112. FEES. (a) Any fee collected by the department under Section 31.108 shall be deposited in the game, fish, and water safety account established under Section 11.032.

(b) Interest earned on money deposited to the credit of the game, fish, and water safety account under Subsection (a) shall be credited to the account.

SECTION 6. This Act takes effect September 1, 2009.