(e) This section does not apply to a person engaged in radio or television broadcasting who transfers, or causes to be transferred, a recording:

(1) intended for or in connection with a radio or television broadcast; or

(2) for archival purposes.

SECTION 2. The change in law made by this Act to Section 641.051, Business & Commerce Code, does not apply to an offense committed under that section before the effective date of this Act. An offense committed before the effective date of this Act is governed by that section as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 139, Nays 4, 2 present, not voting; passed by the Senate on May 17, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 286

H.B. No. 1106

AN ACT
relating to the identification and operation of vessels in the waters of this state.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 31.003(1), Parks and Wildlife Code, is amended to read as follows:

(1) "Boat" means a vessel not more than 65 feet in length, measured from the tip of the bow in a straight line to the stern [end to end over the deck, excluding sheer].

SECTION 2. Section 31.0341(a), Parks and Wildlife Code, is amended to read as follows:

(a) Each county tax assessor-collector shall award certificates of number under this chapter in the manner prescribed by this chapter and the regulations of the department. The department shall issue a block or blocks of numbers to each county tax assessor-collector for awarding to applicants on receipt of applications.

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

(a) Except as provided by Subsection (c), all ownership records of the department made or kept under this chapter are public records.

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

SECTION 4. Sections 31.040(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) Before the vessel is rented or let for hire, the owner or operator of a vessel livery shall obtain a certificate of number for a vessel [all vessels] being used as a motorboat prior to being rented [motorboats to rent or let for hire].

(b) To receive certificates of number, the owner of a vessel livery shall apply directly to the department on application forms provided by the department. The application for the certificate of number under Section 31.021 or for a certificate of title under Section 31.046 must state that the applicant is a vessel livery within the meaning of this chapter [and the facts stated in the application must be sworn before an officer authorized to administer oaths].

SECTION 5. Section 31.047(b), Parks and Wildlife Code, is amended to read as follows:
(b) The form must contain:

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

(3) name and address of purchaser;

(4) date of purchase;

(5) name and address of any security interest owner;

(6) the appropriate affidavit as required by Section 160.042, Tax Code; and

(7) other information required by the department to show the ownership of the vessel or outboard motor, a security interest in the vessel or outboard motor, or a further description of items listed in the subdivision.

SECTION 6. Section 31.049(d), Parks and Wildlife Code, is amended to read as follows:

(d) An original certificate of title bears an assigned title number. A replacement certificate of title consists of a new, printed title that bears a new title number. The previous title number is void when the replacement certificate of title is issued. ["Original" shall be printed on an original certificate of title and "duplicate original" shall be marked on a duplicate of the original certificate.]

SECTION 7. Subchapter C, Chapter 31, Parks and Wildlife Code, is amended by adding Section 31.074 to read as follows:

Sec. 31.074. VISUAL DISTRESS SIGNAL. (a) In this section:

(1) "Coastal waters" means the water that lies within nine nautical miles from the coastline of this state.

(2) "Uninspected passenger vessel" has the meaning assigned by 46 C.F.R. Section 24.10-1.

(3) "Visual distress signal" means a device that is approved and required by the commandant of the United States Coast Guard for the purpose of indicating a vessel in distress, including flares, smoke signals, and non-pyrochemical signals.

(b) No person may 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) Between sunset and sunrise, no person may 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) No person may 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 8. This Act takes effect September 1, 2013.

Passed by the House on April 11, 2013: Yeas 142, Nays 2, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1106 on May 16, 2013: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 13, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.