

BILL ANALYSIS

Senate Research Center

C.S.S.B. 997
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Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there are no state laws regulating commercially operated boats, such as party boats, on state lakes. Only the United States Coast Guard is authorized to regulate such vessels on inter-coastal waterways. Renting a party boat is a common recreational activity on this state's lakes and waterways, creating an obligation for the state to ensure that this activity is safe.

C.S.S.B. 997 authorizes the Texas Parks and Wildlife Department to regulate party boats available for rent that operate on inland lakes and waterways. This bill requires such boats to be subject to annual inspection, requires the operator of the party boat to be licensed and complete a boat safety course, imposes limits on the number of passengers that are authorized to be present at one time on the party boat and requires party boat operators to maintain a minimum amount of liability insurance.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 (Sections 31.176, 31.177, and 31.180, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31, Parks and Wildlife Code, by adding Subchapter G, as follows:

SUBCHAPTER G. PARTY BOATS

Sec. 31.171. DEFINITIONS. Defines "licensed party boat operator" and "party boat."

Sec. 31.172. APPLICABILITY; EXCEPTION. (a) Provides that this subchapter applies only to a party boat that operates on this state's inland waters.

(b) Provides that this subchapter does not apply to a boat that is less than 30 feet in length or to a sailboat.

Sec. 31.173. PARTY BOAT OPERATOR AND STAFF. (a) Requires the party boat owner (owner) to provide staff members, including a licensed party boat operator (operator), who operate and staff the boat to a certain extent for the duration of a rental or lease for group recreational events and who have each completed a boater safety course approved under this chapter.

(b) Requires at least one staff member on the boat to be certified to conduct cardiopulmonary resuscitation.

(c) Provides that this section does not apply to a party boat rented or leased for an overnight or longer period for which the owner or the owner's staff does not intend to remain in constant possession, command, and control of the party boat.

Sec. 31.174. BOAT REQUIREMENTS. Prohibits a party boat from carrying more than the maximum number of passengers the boat may safely accommodate as determined by the Texas Parks and Wildlife Department (TPWD) on inspection. Requires the boat to have a direct and reliable communication connection to the owner's land-based office and

law enforcement and emergency services by cellular telephone or high frequency radio and requires the party boat to pass an annual water safety inspection (inspection) conducted by TPWD or a person under contract with TPWD.

Sec. 31.175. PASSENGER SAFETY INFORMATION; INSURANCE. (a) Requires an owner to provide each passenger with written and verbal safety information and requires each passenger to sign a form acknowledging that the passenger reviewed and understood the information.

(b) Requires the verbal and written safety information to disclose that there is not lifeguard present on the party boat if there is not at least one staff member certified by certain entities as a lifeguard.

(c) Requires an owner to obtain at least a minimum amount of liability insurance from an insurer licensed to do business in this state. Requires the Parks and Wildlife Commission (commission) to set the amount.

Sec. 31.176. PARTY BOAT OPERATOR LICENSE. (a) Requires the commission by rule to establish, as necessary to protect the public health and safety, the requirements and procedures for the issuance and renewal of an operator license under this subchapter.

(b) Sets forth certain minimum requirements for a person to apply for an operator license to be established by the commission's rules, except as provided under Subsection (c).

(c) Provides that an applicant is not required to comply with certain rules if the applicant has at least 25 hours of experience operating a party boat as shown by appropriate documentation and has no record of boating violations.

Sec. 31.177. FEES. (a) Requires the commission by rule to establish and collect a reasonable fee for the issuance of an operator license and the annual inspection.

(b) Requires a fee collected by TPWD under this subchapter and any accrued interest to be deposited to the credit of the game, fish, and water safety account established under Section 11.032 (Game, Fish, and Water Safety Account; Sources), Parks and Wildlife Code.

Sec. 31.178. DRUG AND ALCOHOL TESTING. Provides that each staff member on board of a party boat that is involved in an accident causing serious personal injury or death is subject to mandatory drug and alcohol testing.

Sec. 31.179. ENFORCEMENT. (a) Authorizes any peace officer of a municipality or other political subdivision of this state who is certified as a marine safety enforcement officer under Section 31.121 (Enforcement Officers), in addition to a game warden, to enforce this subchapter in certain areas.

(b) Provides that a party boat is subject to enforcement inspections conducted under Section 31.124 (Inspection of Vessels), Parks and Wildlife Code.

Sec. 31.180. RULES. Requires the commission to adopt and enforce rules necessary to implement this subchapter.

SECTION 2. Requires the commission to adopt rules to implement Subchapter G, Chapter 31, Parks and Wildlife Code, as added by this Act, not later than January 1, 2008.

SECTION 3. Makes application of this Act prospective to June 1, 2008.

SECTION 4. Effective date: upon passage or September 1, 2007.