

BILL ANALYSIS

Senate Research Center
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H.B. 555
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, the Texas Parks and Wildlife Department (TPWD) is required to report to the United States Coast Guard (USCG) any boating accident that results in property damage of \$500 or more, as reported to TPWD by boat operators and marine safety enforcement officers. Current federal regulations, however, require USCG to collect data about boating accidents that result in property damage of \$2,000 or more, and so USCG rejects all boating accident reports from TPWD that do not meet the \$2,000 federal threshold. Continuing to require boat operators and enforcement officers in Texas to report boating accidents to TPWD at the state's \$500 threshold creates an inefficient use of time and manpower.

H.B. 555, among other provisions, increases from \$500 to \$2,000 the minimum amount of property damage that constitutes a reportable boating accident in Texas, a change that will have a positive fiscal impact on TPWD by reducing the number of accidents being investigated and reported by enforcement officers. The bill also requires the Parks and Wildlife Commission by rule to adopt the \$2,000 minimum threshold, thereby negating the need for future legislation if future adjustments are made in the federal minimum threshold.

H.B. 555 amends current law relating to reportable boating accidents and the penalties for certain boating accidents.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.105(a), Parks and Wildlife Code, to require the operator of a vessel involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of an amount set by the Texas Parks and Wildlife Commission (commission) of not less than \$2,000, rather than damage to property in excess of \$500, to report to the Texas Parks and Wildlife Department (TPWD), rather than to file with TPWD, on or before the expiration of 30 days after the incident a full description of the collision, accident, or casualty in accordance with regulations established by TPWD.

SECTION 2. Amends Section 31.132, Parks and Wildlife Code, as follows:

Sec. 31.132. REPORTING PROCEDURES FOR ENFORCEMENT OFFICERS. Requires a marine safety enforcement officer to provide to TPWD on a form prescribed by TPWD a report of any incident the officer investigates that involves a boating accident, water fatality, or person who allegedly operates a boat while intoxicated. Requires the officer to provide the report not later than the 15th day after the date the officer initially became aware of the incident, rather than not later than the 15th day after the date the incident occurred.

SECTION 3. Repealer: Section 24(g) (relating to establishing penalties for the failure to stop and render aid or to give certain information in an accident on public water and for failure to

make required accident reports), Water Safety Act (Article 9206, V.T.C.S.), as added by Section 1, Chapter 48 (H.B. 146), Acts of the 64th Legislature, Regular Session, 1975.

SECTION 4. (a) Requires the commission to adopt rules required to implement Section 31.105(a), Parks and Wildlife Code, as amended by this Act, not later than December 1, 2011.

(b) Makes application of Section 31.105(a), Parks and Wildlife Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2011.