

BILL ANALYSIS

Senate Research Center
80R6750 SGA-D

S.B. 997
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Natural Resources
3/25/2007
As Filed

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.

As proposed, 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 and 31.177, 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. DEFINITION. Defines "party boat."

Sec. 31.172. PARTY BOAT OPERATOR. Requires the party boat owner to provide an operator who meets certain qualifications, operates the party boat, and is on board for the duration of any rental or lease for a group recreational event.

Sec. 31.173. BOAT REQUIREMENTS. Prohibits a party boat from carrying more than the maximum number of passengers the boat may safely accommodate and requires the party boat to pass a periodic Parks and Wildlife Department safety inspection.

Sec. 31.174. OWNER LIABILITY; INSURANCE. Provides that the owner of a party boat is liable for personal injury, death, or property damage proximately caused by a person on the boat who is intoxicated. Requires the owner of a party boat 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. 31.175. ENFORCEMENT. 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.

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

(b) Requires the commission by rule to establish and collect a reasonable fee for the issuance of an operator license under this subchapter and for the periodic safety inspection of a party boat required by this subchapter.

Sec. 31.177. 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.