

BILL ANALYSIS

Senate Research Center
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S.B. 1745
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Transportation & Homeland Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the definition of "circular activity" prohibits a motorboat from circling within 50 feet around someone swimming or fishing, not reflecting the current reality that most tow ropes for water use are between 50 and 100 feet.

As proposed, S.B. 1745 increases the distance within which a personal watercraft is prohibited from operating around certain persons, vessels, stationary platforms or other objects, or shore to 100 feet except at headway speed. The bill provides that the prohibited operating distance does not prohibit the operation of personal watercraft on bodies of water less than 200 feet in width. S.B. 1745 requires that the amount of the fine for an offense be remitted to the entity employing the marine safety enforcement officer.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 31.099, Parks and Wildlife Code, to read as follows:

Sec. 31.099. PROHIBITION ON CIRCULAR COURSE AROUND INDIVIDUALS ENGAGED IN WATER ACTIVITIES.

SECTION 2. Amends Section 31.099(a), Parks and Wildlife Code, to provide that no person is authorized to operate a motorboat in a circular course around any other boat any occupant of which is engaged in fishing, waterskiing, or a similar activity or any person swimming, rather than around any person swimming.

SECTION 3. Amends Sections 31.106(a) and (c), Parks and Wildlife Code, as follows:

(a) Provides that no person is authorized to operate a personal watercraft in the following manner or under the following circumstances: within 100, rather than 50, feet, of any other vessel, person, stationary platform or other object, or shore, except at headway speed.

(c) Provides that Subsection (a)(4) (relating to the operating distance of any other certain object) of this section does not prohibit the operation of personal watercraft on bodies of water less than 200 feet, rather than 100 feet, in width.

SECTION 4. Amends Section 31.107, Parks and Wildlife Code, as follows:

Sec. 31.107. OPERATION OF MOTORBOAT. (a) Creates this subsection form existing text. Provides that no person is authorized to 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 is accompanied by a person 18, rather than (18), years of age or older.

(b) Provides that no person is authorized to operate a motorboat within 100 feet of the shore, any other vessel, a person, or a stationary platform or other object

unless the boat's speed does not exceed headway speed, the boat is in a no-wake zone, or a distance of at least 100 feet is not possible.

SECTION 5. Amends Section 31.128(c), Parks and Wildlife Code, to require that the amount of the fine, in court cases filed as the result of an arrest by a marine safety enforcement officer other than a game warden, the amount of the fine be remitted to the entity employing the marine safety enforcement officer, rather than requiring that the amount to be remitted to the game, fish, and water safety account be 60 percent of the fine.

SECTION 6. Repealer: Section 31.128(d) (relating to not less than 50 percent to the safety account being required to used for certain purposes), Parks and Wildlife Code.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: July 1, 2009 or September 1, 2009.