

CHAPTER 739

H.B. No. 1945

AN ACT

relating to the definition and operation of personal watercraft.

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

SECTION 1. Section 31.003(14), Parks and Wildlife Code, is amended to read as follows:

(14) "Personal watercraft" means a *type of* motorboat [~~up to 10 feet in length,~~] which is *specifically* designed to be operated by a person or persons sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

SECTION 2. Section 31.106, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.106. PERSONAL WATERCRAFT. (a) No person shall operate a personal watercraft *in the following manner or* under the following circumstances:

(1) unless each person riding on or towed behind the vessel is wearing a U.S. Coast Guard approved Type I, II, III, or V personal flotation device;

(2) if the vessel is equipped by the manufacturer with a lanyard type engine cutoff switch, unless such lanyard is attached to the person, clothing, or personal flotation device of the operator as appropriate for the vessel involved;

(3) *during the period* between [~~the hours of one-half hour after~~] sunset and [~~one-half hour before~~] sunrise;

(4) within 50 feet of any other vessel, person, stationary platform or other object, or shore, except another personal watercraft, or except at headway speed;

(5) if the operator is under 13 [12] years of age, unless *the operator*:

(A) is accompanied by a person at least 17 [16] years of age; or

(B) *the operator has successfully completed a boating safety course prescribed and approved by the department;*

(6) *if the personal watercraft is a motorboat*, within any area prohibited for operation of a motorboat by state law or local rule or regulation;

(7) *while towing water skis, an aquaplane, a surfboard, a tube, or any other similar device, unless the towing vessel is designed to carry on board a minimum of two persons;*

(8) *by jumping the wake of another vessel recklessly or unnecessarily close to that vessel; or*

(9) *in a manner that requires the operator to swerve at the last possible moment to avoid collision.*

(b) The provisions of this section do not apply to professional exhibitions or an officially sanctioned race, tournament, or exhibition.

(c) *Subsection (a)(4) of this section does not prohibit the operation of personal watercraft on bodies of water less than 100 feet in width. [The provisions of Sections 31.064, 31.066, 31.067, 31.068, 31.069, and 31.071 of this code shall not apply to personal watercraft.]*

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 24, 1993: Yeas 31, Nays 0.

Approved June 16, 1993.

Effective Sept. 1, 1993.