

STATE OF TEXAS

State-Specific Boating Safety Requirements

SL 1. Law Enforcement Authority

The rules in the Texas Water Safety Act apply to all public waters of the State of Texas and to all vessels on that public water. The local governing bodies of incorporated cities and towns, county commissioners, courts, and political subdivisions have the authority to pass rules relating to restricted areas and the operation and equipment of boats deemed necessary for the public safety. Special rules and/or special water safety regulations may apply to specific lakes.

To enforce the provisions of the Texas Water Safety Act, game wardens and other peace officers certified as marine safety enforcement officers by the Texas Parks and Wildlife Department, are authorized to stop, board, and inspect any vessel to determine whether there is compliance with applicable provisions.

SL 2. Age Restrictions

A person under 18 years of age may not operate any motorboat greater than 10 horsepower or a sailboat over 14 feet in length unless accompanied by a person at least 18 years of age or older. An operator 13 years of age and older may operate any vessel with out adult supervision if he or she has successfully passed a boating safety course approved by the Texas Parks and Wildlife Department.

SL 3. Boater Safety Education Requirements

A successfully completed Texas Parks and Wildlife-certified boater education course and photo I.D. are required for any person born on or after September 1, 1984 and under 18 years of age to operate either a vessel powered by motor of 10 horsepower or more or a windblown vessel greater than 14 feet in length on the public waters of the State of Texas.

SL 4. Vessel Registration

All motorboats and all sailboats 14 feet in length or longer or any sailboat with an auxiliary engine(s) operated on public waters or moored, docked, or stored on public waters must be titled, have a current registration, and properly display authorized numbers and validation decal. All outboard motors must be titled. Title applications and the manufacturer's Statement of Origin must accompany a request for boat registration for new outboard motors and boats.

The following types of vessels are exempt: All (non-motorized) kayaks, canoes, punts, rubber rafts, or rowboats (regardless of length) when oared, paddled, or poled and sailboats less than 14 feet in length when windblown.

Effective January 1, 2004, USCG documented vessels are no longer exempt from state registration requirements. To register a documented vessel requires an application for the vessel (form PWD-143), current USCG documentation certificate (or copy), verification of sales tax payment, and payment of registration fee. If sales tax has not been paid, a bill of sale or invoice is also required and the sales tax fee will be assessed at the time of registration. A bill of sale must contain the date of sale, sales price, description of the vessel and/or outboard motor (make, TX or serial number and year built), purchaser(s) name(s), and sellers(s) signature(s). Exempted vessels include documented vessels exceeding 115 feet in length and commercial vessels used in coastal shipping. Documented recreational vessels, shrimp boats, and other commercial fishing boats are not exempt from state registration unless they are greater than 115 feet in length.

When a vessel required to be registered is in operation, the certificate of number (registration) must always be on board and available for inspection by an enforcement officer. The certificate is valid for the two-year period shown on the

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certificate. The certificate of number must also be aboard USCG-documented vessels requiring Texas registration. When a certificate is renewed, the same number will be reissued if the application to the Texas Parks and Wildlife Department is submitted within the 90-day period preceding the expiration date.

The number awarded a vessel must be painted on or otherwise attached to each side of the vessel, near the bow, in a position that allows easy identification. The number must read from left to right, be in block characters of good proportion not less than three (3) inches in height and be of a color contrasting with the hull. The numerals must be separated from the prefix and the suffix by hyphens or equivalent spaces as follows: TX 0123 AB and TX-0123-AB. Federal and State law prohibits any other number from being displayed on either side of the bow of a boat. The validation decal must be affixed in a line with the registration number and located three (3) inches towards the rear of the boat from the registration number.

USCG-documented vessels may only display the validation decal (not the registration number) on both sides of the bow of the vessel and maintain current USCG documentation, or such vessels must display the state-assigned TX numbers and the validation decal if USCG documentation is relinquished.

SL 5. Maximum Loading and Horsepower

The capacity plate (usually found near the operator's position or on the vessel's transom) must be checked for information. This plate specifies the maximum weight capacity or maximum number of persons that can be safely carried by the vessel. Federal Law prohibits exceeding the limits listed on a capacity plate.

SL 6. Equipment and Lighting Requirements

The owner and/or operator of a vessel is responsible for carrying, storing, using, and maintaining the safety equipment required by the USCG (safety equipment requirements). Texas state law requires that boats have certain safety equipment, including Personal Flotation Devices (PFDs), sound producing devices, navigation lights, fire extinguishers, backfire flame arrestors, ventilation systems, mufflers, and visual distress signals in accordance with USCG guidelines. Every motorboat towing a person or persons on water skis, aquaplane or similar device must have on board an observer, other than the operator, who is at least 13 years of age or older or be equipped with a rearview mirror of a size no less than four inches (4") in measurement from bottom to top and across from one side to the other. This mirror must be mounted firmly to give the boat operator a full and complete view beyond the rear of his boat at all times.

SL 7. Marine Sanitation Devices

When being operated on any inland freshwater lake, the following vessels must be equipped with an approved marine sanitation device (MSD) certified by the executive director of the Texas Natural Resource Conservation Commission or by any local government or state agency:

- Any boat with a permanently installed MSD;
- Any boat more than 26 feet long with permanent sleeping quarters; and
- Any houseboat regardless of length.

(Permanent sleeping quarters means bunking facilities contained within an enclosed cabin or a cabin subject to being enclosed).

Boats on all designated lakes (listed below) meeting the dimensions and physical characteristics described above must contain sewage disposal devices and equipment meeting the following requirements:

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1. Any MSD permanently installed on or within any boat on any designated lake must have an attached holding tank meeting the following specifications:
 - The holding tank must be located inboard on the boat.
 - The holding tank must be constructed to prevent the discharge of sewage except by pumping.
 - The holding tank must be installed so that it is completely and efficiently emptied by pumping.
 - The holding tank must be constructed of corrosion-resistant material.
 - The holding tank must be constructed and located to minimize the possibility of rupture.
 - Any overboard vents must be located to minimize the inboard return of odors while preventing the intake of waters or spray. Vents must be connected to the tank to prevent pressure buildup in the tank and clogging from the contents of the tank.
 - Fittings intended for use in emptying holding tanks must be designed to make a spill-proof connection with the pump-out facility. These fittings must ensure a liquid-tight closure during normal operation of the boat, must afford no obstruction to sewage flow, and must be capable of being cleaned. They must be constructed of corrosion-resistant material.
 - Conformance with USCG regulations applicable to "no discharge" devices constitutes compliance with this subsection.
2. A boat operating on Clear Lake, but not on any other designated lake, may be equipped with a "Y"-valve or other device on the holding tank that allows for the direct discharge of untreated waste into waters beyond the state's three-mile territorial limit. The "Y"-valve or other device must be secured in the closed position (by a non-releasable tie, padlock, removal of the handle or other physical barrier) at all times the boat is being operated within the three-mile territorial limit.
3. A portable MSD designed to facilitate the carry-off of sewage for onshore disposal is acceptable on any boat (other than a houseboat) less than 26 feet long and as an additional MSD on any boat.
4. The executive director is authorized to allow the use of portable MSDs in certain cases in which permanent facilities are required.

The Texas Natural Resource Conservation Commission finds and declares that the protection and enhancement of the quality of the following waters in the State of Texas require greater environmental protection than afforded by federal standards applicable to discharges from MSDs:

- (1) Lake Austin
- (2) Lake Bridgeport
- (3) Lake Brownwood
- (4) Lake Cedar Creek
- (5) Lake Conroe
- (6) Eagle Mountain Lake
- (7) Lake Granbury
- (8) Lake Grapevine
- (9) Lake Houston
- (10) Lake Lewisville
- (11) Lake Livingston
- (12) Lake Lyndon B. Johnson
- (13) Lake Meredith
- (14) Lake Palestine
- (15) Lake Possum Kingdom

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- (16) Lake Ray Hubbard
- (17) Lake Sam Rayburn
- (18) Lake Somerville
- (19) Lake Tawakoni
- (20) Lake Texoma
- (21) Lake Toledo Bend
- (22) Lake Travis
- (23) Lake Waco
- (24) Lake Whitney and
- (25) Clear Lake.

SL 8. Muffling Devices

A motorboat must be equipped with an exhaust-water manifold or a factory-type muffler installed on the engine.

SL 9 Boating Accidents

Operators of vessels involved in any collision, accident or other casualty resulting in death or injury to any person or property damage exceeding \$500 must file a full accident report within 30 days in accordance with Texas Parks and Wildlife Department regulations. Failure to file a report is punishable as a Parks and Wildlife Class C misdemeanor. Accident reports filed by the operator(s) are confidential and not admissible as evidence in court. Report forms may be obtained from Texas Parks and Wildlife officers, marine safety enforcement officers, or game wardens.

The operator of any vessel involved in a boating accident must stop and render needed assistance unless such action would endanger his crew, passengers or his own vessel. The operator must give his/her name, address, and vessel identification number in writing to any injured person and to the owner of any damaged property. Failure to render aid in an accident resulting in death or serious bodily injury is punishable as a Parks and Wildlife felony. Failure to render aid in an accident not resulting in death or serious bodily injury is punishable as a Parks and Wildlife Class A misdemeanor.

SL 10. Vessel Speed Restrictions

It is unlawful to operate a vessel at a rate of speed greater than is reasonable and prudent or greater than will permit the vessel operator to bring such boat to a stop within the assured clear distance ahead.

SL 11. Mooring to Markers or Buoys

It is unlawful to moor or attach to any buoy, beacon, light marker, stake, flag or other aid to safe operation, or to move, remove, displace, tamper with, damage or destroy the same.

SL 12. Reckless and Careless Operation

It is unlawful to operate any vessel or manipulate any water skis, aquaplane or similar device in a willful or wanton disregard of the rights or safety of others and at a speed or in a manner that would endanger or be likely to endanger any person or property. (Violation of this section is punishable, upon conviction, by a fine of not less than \$200 nor more than \$2,000 or by confinement in jail not to exceed 180 days, or by both.)

SL 13. Interference with Navigation

It is unlawful to:

- Anchor in the traveled portion of any river or channel to prevent, impede, or interfere with the safe passage of any other boat through the same area.

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- Operate within an area designated as bathing, fishing, swimming, or otherwise restricted.
- Operate within a designated "no wake" area, except at headway speed without creating a swell or wake.

SL 14. Boating Under the Influence

It is unlawful to operate while intoxicated. (Intoxication is defined as the loss of mental or physical faculties, or blood alcohol content of 0.08 or greater). A first conviction is punishable by a fine not to exceed \$2,000, confinement in jail not to exceed 180 days, or by both. A second conviction is punishable by a fine not to exceed \$4,000, confinement in jail not to exceed one year, or by both. A third conviction is punishable by a fine not to exceed \$10,000, imprisonment in jail for not more than 10 years or less than 2 years. Failure to submit a specimen to determine blood alcohol content may result in the suspension of the operator's driver's license.

SL 15. Mandatory Violator Education

A person judged guilty of one of the following violations: (1) any personal watercraft operating violation, (2) reckless or negligent operation, (3) excessive speed, (4) reckless operation and excessive speed, (5) hazardous wake or wash, (6) circular course around fisherman or swimmer, (7) interference with markers or ramps, (8) obstructing passage, (9) operating boats in restricted areas, (10) operating vessels in scuba diving or snorkeling areas, (11) skiing during prohibited hours or in a manner that endangers life or property, will be required to successfully complete an approved boater education course and pay a fine. Failure to complete the boater education course within 90 days will result in the person committing an offense that is a Parks and Wildlife Class A misdemeanor.

SL 16. PWC Regulations

Personal watercraft (PWC) is defined as a type of motorboat specifically designed to be operated by a person or persons sitting, standing, or kneeling on the vessel rather than inside the vessel. PWCs include jet skis, wet bikes, etc. Any person being towed by a PWC is considered an occupant of the PWC.

Required Safety Equipment for Personal Watercraft

All safety equipment required on motorboats is also required on PWCs. In addition: (1) each occupant must wear a life jacket; and (2) a cut-off or kill switch must be attached to the operator or his/her clothing anytime a PWC is in operation. Inflatable life jackets are not approved for use on PWCs.

Personal Watercraft Operation

NOTE: Children under 13 are specifically prohibited from operating a PWC unless accompanied on board by a person at least 18 years of age.

All operational rules for motorboats also apply to PWCs. In addition, it is unlawful for any person to:

1. Operate a PWC if the operator is under 18 years of age, unless the operator is accompanied by a person at least 18 years of age or the operator is at least 13 years of age and has successfully completed a boating safety course approved by the Texas Parks and Wildlife Department.
2. Operate a PWC at night (sunset until sunrise);
3. Operate a PWC within 50 feet of another PWC, motorboat, vessel, platform, person, object, or shore, except at headway speed without creating a swell or wake; and
4. Operate a PWC and jump the wake of another vessel recklessly or in unnecessarily close proximity.

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SL 17. Water Ski Regulations

It is unlawful to engage in water skiing, surfboarding or other similar activity between the hours of one-half hour after sunset to one-half hour before sunrise. This does not apply to vessels used in recognized water ski tournaments, competitions, exhibitions or trials, provided that the water area is adequately lighted.

SL 18. Divers-down Flag

It is unlawful to operate within 50 feet of a "Diver Down Flag." Vessel operators must travel at headway/steerage speed if within 150 feet of a Diver Down Flag.

SL 19. Liveries (Rental Agencies)

The owner or operator of a vessel livery must obtain a certificate of number for all vessels being used as motorboats to rent or let for hire.

To receive certificates of number, the owner of a vessel livery must apply directly to the Texas Parks and Wildlife Department on specified application forms. The application must state that the applicant is a vessel livery. Facts stated in the application must be sworn before an officer authorized to administer oaths.

The owner of a vessel livery must keep a record of the name and address of the persons hiring any vessel operated as a motorboat, the vessel's certificate of number, the time and date of departure, and the expected time of return. This record must be kept for six months.

SL 20. Environmental Awareness

Aquatic Nuisance Species

(<http://www.tpwd.state.tx.us/fish/infish/vegetation/vegplan2001.htm>;

<http://www.tpwd.state.tx.us/fish/infish/vegetation/guiddoc.pdf>)

Aquatic plants provide valuable habitat and forage for fish, aquatic mammals, birds, and waterfowl. However, weedy exotic and native plants can hinder access, water quality, water movement and fish management. Over-abundant plants are often a problem during the summer, when warm water and extended sunlight make growing conditions ideal. Once cold weather sets in, most plants will naturally decline. Overabundant aquatic vegetation is typically the result of introduction of exotic species which out-compete native plants, and grow unchecked by natural herbivores or parasites. For example, two of Texas's most problematic aquatic plant species, *Hydrilla verticillata* and waterhyacinth *Eichhornia crassipes*, are not native to North America. If possible, nuisance exotic aquatic weeds should be prevented from colonizing new waters, and if colonization does occur they should be prevented from spreading. Prevention is the least costly method of controlling aquatic weeds.

Additional Information

For more information on Texas boating law refer to the Texas Parks and Wildlife Department at: <http://www.tpwd.state.tx.us/boat/boat.htm>; Texas Parks and Wildlife Code, Title 4, Chapter 31 – Water Safety (also known as the Texas Water Safety Act –

<http://tlo2.tlc.state.tx.us/statutes/docs/PW/content/pdf/pw.004.00.000031.00.pdf>.

See also Texas Natural Resource Conservation Commission, Chapter 321 – Control of Certain Activities by Rule, Subchapter A: Boat Sewage Disposal, Sections 321.1-321.18.