

Chapter 396

H.B. No. 1466

AN ACT

1
2 relating to Parks and Wildlife Department procedures for the
3 transfer of ownership of boats or outboard motors; providing
4 penalties; creating a criminal offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 31.025, Parks and Wildlife Code, is
7 amended to read as follows:

8 Sec. 31.025. RENEWAL OF CERTIFICATES OF NUMBER. (a) An
9 application for the renewal of each certificate of number shall be
10 prepared by the department and mailed to the owner of the vessel, or
11 sent electronically to the owner if the owner has agreed to receive
12 department communications electronically, during the period of the
13 last 90 days before the expiration date of the certificate. The same
14 number shall be issued on renewal.

15 (b) The completed application for renewal may be returned to
16 the department, to any county tax assessor-collector, or if
17 permitted by the department, to an agent of the department.

18 (c) A completed application [~~Applications~~] not received
19 during the 90-day period shall be treated in the same manner as an
20 original application [~~applications~~].

21 (d) The department, an authorized agent, or a county tax
22 assessor-collector may not issue a renewal certificate of number
23 unless the tax due on the vessel under Chapter 160, Tax Code, is
24 paid.

1 SECTION 2. Section 31.037, Parks and Wildlife Code, is
2 amended to read as follows:

3 Sec. 31.037. CHANGE IN OWNERSHIP INTEREST; NOTICE TO
4 DEPARTMENT. (a) The recorded owner of a vessel numbered in this
5 state shall notify the department not later than the 20th day after
6 the date:

7 (1) [~~within a reasonable time~~] of the transfer by
8 sale, donation, gift, or other means of all or any part of the
9 owner's [~~his~~] interest in the vessel, other than the creation of a
10 security interest in the vessel;

11 (2) [~~or~~] of the destruction or disposal
12 [~~abandonment~~] of the vessel; or

13 (3) of the permanent removal of the vessel from this
14 state to another state or country.

15 (a-1) The notification under Subsection (a) must be on a
16 form prescribed by the department that includes:

17 (1) the name and address of the new owner, as
18 applicable; and

19 (2) the vessel's certificate of number [~~notice shall~~
20 ~~be accompanied by a surrender of the certificate of number~~].

21 (b) If the vessel is destroyed, disposed of, or permanently
22 moved to another state or country [~~abandoned~~], the department shall
23 cancel the certificate of number and enter the cancellation in its
24 records.

25 (c) The new owner [~~purchaser~~] of a vessel shall, not later
26 than the 20th day after the date ownership was transferred, submit
27 an application to the department with:

- 1 (1) ~~[present]~~ evidence of ~~[his]~~ ownership;
- 2 (2) the new owner's ~~[to the department within a~~
3 ~~reasonable time along with his]~~ name and ~~[,]~~ address;
- 4 (3) ~~[, and]~~ the number of the vessel; and
- 5 (4) ~~[shall at the same time pay to the department]~~ a
6 fee of \$2 or an amount set by the commission, whichever amount is
7 more.

8 (d) On receipt of the new owner's application and fee the
9 department shall transfer the certificate of number issued for the
10 vessel to the new owner. Unless the application is made and the fee
11 is paid on ~~[within a reasonable]~~ time, the vessel is without a
12 certificate of number, and it is unlawful for any person to operate
13 the vessel until the certificate is issued.

14 SECTION 3. Section 31.045, Parks and Wildlife Code, is
15 amended by adding Subsections (e), (f), (g), (h), and (i) to read as
16 follows:

17 (e) The recorded owner of a vessel or outboard motor shall
18 notify the department not later than the 20th day after the date:

19 (1) of the transfer by sale, donation, gift, or other
20 means of all or any part of the owner's interest in the vessel or
21 outboard motor; or

22 (2) of the permanent removal of the vessel or outboard
23 motor from this state to another state or country.

24 (f) Notification of a transfer of interest or move to
25 another state or country under Subsection (e) must be on a form
26 prescribed by the department that includes the name and address of
27 the new owner and, as applicable:

1 (1) the vessel's certificate of number; and

2 (2) the serial number of the outboard motor.

3 (g) If a vessel or outboard motor for which the department
4 has issued a certificate of title is destroyed or disposed of in a
5 manner not described by Subsection (e), the recorded owner shall
6 notify the department not later than the 20th day after the date of
7 the destruction or disposal and shall surrender to the department
8 the certificate of title.

9 (h) On receipt of notice under Subsection (e) or (g), the
10 department shall cancel the title and enter the cancellation in the
11 department's records.

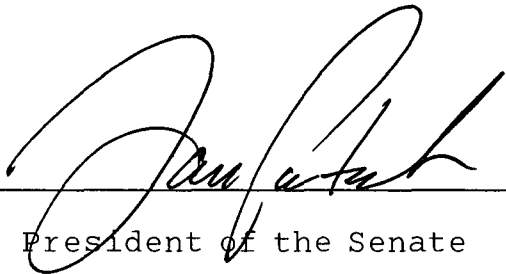
12 (i) A recorded owner who fails to file notification in
13 accordance with Section 31.037 or this section:

14 (1) is subject to the penalties under Section 31.127;
15 and

16 (2) is subject to the removal costs under Section
17 40.108, Natural Resources Code, and penalties under Chapter 40,
18 Natural Resources Code, as the person considered responsible for an
19 abandoned vessel or outboard motor.

20 SECTION 4. The Parks and Wildlife Department may begin
21 enforcement of the 20-day period for an owner to notify the
22 department of a change in ownership under Sections 31.037 and
23 31.045, Parks and Wildlife Code, as amended by this Act, only on or
24 after January 1, 2016.

25 SECTION 5. This Act takes effect September 1, 2015.



President of the Senate



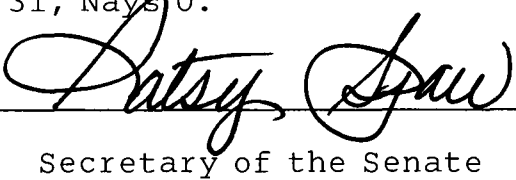
Speaker of the House

I certify that H.B. No. 1466 was passed by the House on April 30, 2015, by the following vote: Yeas 138, Nays 1, 1 present, not voting.




Chief Clerk of the House

I certify that H.B. No. 1466 was passed by the Senate on May 20, 2015, by the following vote: Yeas 31, Nays 0.

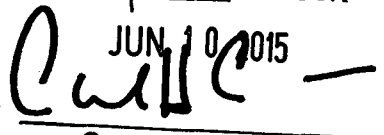


Secretary of the Senate

APPROVED: 6-3-2015
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:45 pm O'CLOCK
JUN 10 2015


Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 8, 2015

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1466 by Bonnen, Dennis (Relating to Parks and Wildlife Department procedures for the transfer of ownership of boats or outboard motors; providing penalties; creating a criminal offense.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Parks and Wildlife Code relating to transfer of ownership of boats and boat motors. The bill would allow the Parks and Wildlife Department (TPWD) to send electronic applications for boat and boat motor registration renewal. The bill would prohibit authorized agents or local county tax assessors from issuing renewal certificates unless the tax due on the vessel is paid. The bill would also require that the recorded owner of a vessel notify TPWD within 20 days of a sale, donation, gift, disposal, or any other change in ownership interest or permanent removal from the state. Under the provisions of the bill, a recorded owner who fails to notify TPWD of a change in ownership interest would be subject to penalties and removal costs.

Based on information provided by TPWD, implementing the provisions of the bill would result in minimal costs for programing. Based on information provided by the Comptroller of Public Accounts, the bill could increase revenue from administrative penalties by an indeterminate insignificant amount.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 802 Parks and Wildlife Department
LBB Staff: UP, SZ, MWI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 30, 2015

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1466 by Bonnen, Dennis (Relating to Parks and Wildlife Department procedures for the transfer of ownership of boats or outboard motors; providing penalties; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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