

By: Bonnen of Brazoria

H.B. No. 1466

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

(2) ~~[, — or]~~ of the destruction or disposal ~~[abandonment]~~ of the vessel; or

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

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

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

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

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

(c) The new owner ~~[purchaser]~~ of a vessel shall, not later than the 20th day after the date ownership was transferred, submit 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 [7] address;

4 (3) [7 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.