

- Swim or dive within 200 yards of any sight-seeing or excursion boat except for maintenance purposes or unless within an enclosed area.
- Operate within 50 feet of a "Diver Down Flag" or operate a boat within 150 feet of a "Diver Down Flag" except at headway/steerage speed.
- Fail to comply with the U.S. Coast Guard Inland Rules of the Road.

### PERSONAL WATERCRAFT

See **Mandatory Boater Education requirements**. Personal watercraft (PWC) is defined as a type of motorboat which is specifically designed to be operated by a person or persons sitting, standing, or kneeling ON the vessel rather than INSIDE the vessel. Includes jet skis, wet bikes, etc. Any person being towed by a PWC is considered an occupant of the PWC and is required to wear a life jacket.

#### REQUIRED SAFETY EQUIPMENT FOR PERSONAL WATERCRAFT (PWC)

All equipment requirements for regular motorboats also apply to PWC. In addition to those requirements: (1) each occupant must wear a USCG approved wearable personal flotation device, (2) if the PWC is equipped with a cut-off or kill switch, it must be attached to the operator or operator's clothing. Inflatable life jackets are NOT approved for use on PWC.

#### OPERATION OF YOUR PERSONAL WATERCRAFT (PWC)

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

All operational rules for regular motorboats also apply to PWC. In addition to those requirements, it is unlawful for any person to: (1) operate PWC at night (sunset until sunrise); (2) operate PWC within 50 feet of another PWC, motorboat, vessel, platform, person, object, or shore except at headway speed (**headway speed—slow, idle speed, or speed only fast enough to maintain steerage**) without creating a swell or wake; and (3) operate a PWC and jump the wake of another vessel recklessly or unnecessarily close.

### BOATER EDUCATION TRAINING

Recommended for all boat operators and required for those persons born on or after September 1, 1993. For information on boater education courses, call (800) 792-1112, ext. 4999, or visit [www.tpwd.texas.gov/boatered/](http://www.tpwd.texas.gov/boatered/)

### TO REPORT A BOATING ACCIDENT

Contact any local law enforcement agency or Texas Parks and Wildlife Department at: (800) 792-1112 or (512) 389-4848 (24-hour dispatch).

For further information contact your local game warden or:

#### TEXAS PARKS AND WILDLIFE DEPARTMENT

4200 Smith School Rd., Austin, TX 78744 • [www.tpwd.texas.gov/fishboat/](http://www.tpwd.texas.gov/fishboat/)

#### TOLL-FREE TELEPHONE NUMBERS:

(800) 792-1112 General Information (800) 262-8755 Boat Registration

Equal opportunity to participate and benefit from the TPWD's recreational boating safety program is available to all individuals regardless of race, color, national origin, sex, age or disability. Discrimination inquiries or complaints should be sent to General Counsel, Texas Parks and Wildlife Dept., 4200 Smith School Road, Austin, Texas 78744 or the Office of Civil Rights, U.S. Coast Guard (G-HPE), Washington, D.C. 20593-0001.



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## A Digest of the Texas

# WATER SAFETY ACT

## A Summary of Boating Laws

THIS DIGEST IS NOT VALID AFTER AUGUST 31, 2017

Information in this digest may change due to Legislative, Commission or U.S. Coast Guard action.

### TEXAS REGISTRATION AND TITLE REQUIREMENTS

- All motorized boats, regardless of length;
- All sailboats 14 feet in length or longer or any sailboat with an auxiliary engine(s);
- USCG Documented vessels (see section below); and
- All outboard motors must be titled.
- Trailers are registered/titled through your county tax office.

Title applications and manufacturer's statement of origin (MSO) must accompany a request for boat registration for new boats and outboard motors. Do not purchase a used boat or outboard motor without receiving a signed title from the person(s) listed on the title or from their legally documented representative. If a legal representative signs the title for the recorded owner(s), you must obtain a copy of the documentation authorizing them to act on behalf of the owner(s).

**Exempted vessels** – All (non-motorized) canoes, kayaks, punts, rowboats, paddle craft, or rubber rafts when paddled, poled, or oared and sailboats under 14 feet in length when windblown.

**ONLINE BOAT REGISTRATION:** [www.tpwd.texas.gov/boat/](http://www.tpwd.texas.gov/boat/)

### REGISTRATION OF DOCUMENTED VESSELS

**Registering a Documented Vessel (requirements):**

- Application for Vessel (form PWD 143); application forms can be printed from the TPWD website at: [www.tpwd.texas.gov/boat/forms.phtml](http://www.tpwd.texas.gov/boat/forms.phtml)
- Current USCG Documentation Certificate or documented vessel information use the website: [www.uscg.mil/hq/g-m/vdoc/nvdc.htm](http://www.uscg.mil/hq/g-m/vdoc/nvdc.htm);
- Payment of registration fee; and
- Verification of sales tax payment\* or proof that the vessel transaction occurred more than four years from date of application.

\*If sales tax has not been paid, a Bill of Sale or Invoice is required and sales tax will be assessed at time of registration. A bill of sale or invoice 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; and seller(s) signature. The sales tax rate is based on length. The tax rate for vessels 65 feet and less in length is 6.25% and collected by TPWD at the time of registration. The tax rate for vessels greater than 65 feet in length is 6.25% + local rate (max. of 2%) and paid to the Office of the Comptroller; these vessels may be registered initially with sales tax payment occurring after registration but prior to the registration expiration. Tax is due within 20 working days from the date of delivery. Sales tax penalty and interest may be assessed if tax is not paid within the 20 working days.

**Exempted vessels:**

- Documented commercial vessels used in coastal shipping; and
- Documented vessels exceeding 115 feet in length.

Documented recreational vessels, shrimp boats and other commercial fishing boats are not exempt from state registration, unless they exceed 115 feet in length.

### TEXAS CERTIFICATE OF NUMBER

The certificate of number (registration), if required:

- Must always be aboard and available for inspection by an enforcement officer;
- Is valid for the two-year period shown on the certificate; and
- Must also be aboard USCG Documented vessels that require Texas registration.

### HOMEMADE BOATS

Requires affidavit of the person as to the origin of the boat, proof of the materials used in the construction of the boat (i.e., bills from marine and hardware dealers for parts, etc.), and requires each homemade boat to be inspected and certified by a TPWD game warden. Inspection fee – \$25.00.

### HULL IDENTIFICATION AND MOTOR SERIAL NUMBERS

It is illegal to possess or intentionally sell, offer for sell, or purchase a vessel with a hull identification number or an outboard motor with a serial number that has been altered, defaced, mutilated, or removed. To acquire registration or title, a sworn statement must be filed with the department describing the vessel or outboard motor, providing proof of legal ownership, and stating the reason for the destruction, removal or defacement of the number. **This statement must be accompanied by a fee of \$25.00 and an inspection certificate from a game warden stating the vessel or outboard motor has been inspected. This section does not apply to USCG Documented vessels.**

### DISPLAY OF YOUR NUMBER

- The number must be painted on, or otherwise attached to each side of the forward half of the vessel, in such position as to provide easy identification.
- The number shall read from left to right, be in **block** characters of good proportion not less than three inches in height and be of a color that contrasts with the background.
- The numerals must be separated from the prefix and the suffix by hyphens or equivalent spaces such as the following example: **TX 0123 AB** and **TX-0123-AB**.
- The validation decal must be affixed in a line with and three (3) inches towards the rear of the boat from the registration number.
- The number printed on the decal must match the number listed on the certificate of number card issued for the vessel described on the card.

USCG Documented Vessels:

- May display **ONLY** the Validation Decal (not the Registration Number) on both sides of the bow of the vessel and maintain current USCG Documentation.

### TRANSFER OF OWNERSHIP

**The seller must complete:**

- Form PWD 143, Application For Texas Certificate of Number/title for Boat, and
- Form PWD 144, Application for Texas Certificate of Title for an Outboard Motor.
- A separate bill of sale for the trailer.

**The purchaser must:**

- Complete applications, which include a tax affidavit (bill of sale), for registration and titles (boat and motor, not trailers);
- Mail applications, assigned titles and bills of sale with required fees and sales tax to TPWD or take to a TPWD LE office or participating county tax office;
- Applications for transfer of title and ownership should be submitted not later than 20 days from date of purchase.

Application forms can be obtained from the TPWD website, TPWD offices, marine dealers, and participating county tax offices. The forms must be completed by both purchaser and seller. When titles have been issued, the title assignments

must be properly completed. Purchases or gifts of boats or outboard motors that do not acquire the title and bill of sale will not be eligible for immediate transfer. These may be titled through a more expensive and lengthy bonded title process requiring additional documentation to be acquired and supplied.

### LOST OR DESTROYED CERTIFICATE OF NUMBER

Fill out Form PWD 143M and mail to this department together with the appropriate fee. Only TPWD is authorized to produce a Texas Certificate of Number.

### SCHEDULE OF FEES

#### TEXAS CERTIFICATE OF NUMBER (MOTORBOAT/SAILBOAT REGISTRATION-TX NUMBER)

IF BOAT IS . . .	THEN FEE IS . . .
Class A Motorboat (except Livery boat)	
Less than 16 feet in length .....	\$32.00
Sailboat (except Livery boat)	
14 feet but less than 16 feet in length .....	\$32.00
Class 1 Motorboat, Sailboat, or Livery boat	
16 feet but less than 26 feet in length .....	\$53.00
Class 2 Motorboat, Sailboat, or Livery boat	
26 feet but less than 40 feet in length .....	\$110.00
Class 3 Motorboat, Sailboat, or Livery boat	
40 feet in length and over .....	\$150.00
Livery boat less than 16 feet in length .....	\$32.00

IF TRANSACTION IS A . . .	THEN FEE IS . . .
Correction of Certificate of Number .....	\$11.00
Transfer of ownership (Any currently TX registered vessel) .....	\$11.00
Duplicate TX Certificate of Number (Plastic card) .....	\$11.00
Inspection by a TPWD game warden (Form PWD 736) .....	\$25.00

#### TEXAS CERTIFICATE OF TITLE FOR A MOTORBOAT OR A SAILBOAT 14 FEET IN LENGTH OR OVER

IF FOR. . .	THEN FEE IS. . .
Original title, transfer of title, or replacement title .....	\$27.00
Correction (Return present title to TPWD) .....	\$27.00
"Quick" Title (for replacement titles only) .....	\$64.00

### BOAT SEWAGE DISPOSAL

Texas Commission on Environmental Quality (TCEQ)  
Effective November 11, 2010, any boat with a permanently installed marine sanitation device (MSD) is required to obtain a MSD certification and display a certification decal if the boat is operated on any waters in Texas, including coastal waters up to three nautical miles. For certification and decal information contact: [www.tceq.texas.gov](http://www.tceq.texas.gov) or (512) 239-0400.

### ABANDONMENT OR DESTRUCTION OF BOAT

You must report such fact within 15 days, and you must surrender your Certificate of Title with such notice to TPWD. Boats having no hull identification numbers will not be eligible for registration until a physical inspection has been performed by a TPWD game warden.

An abandoned boat or outboard motor may be eligible for titling through the bonded title process with appropriate documentation. An "abandoned vessel or outboard motor" means a vessel or outboard motor that has remained on private property without the consent of the owner or person in charge of the property for more than seven consecutive days.

## REQUIRED SAFETY EQUIPMENT

### OPERATING VESSELS WITHOUT REQUIRED EQUIPMENT PROHIBITED

No person may operate or give permission for the operation of a vessel that is not provided with the required safety equipment.

### LIFE PRESERVING DEVICES

All PERSONAL FLOTATION DEVICES (PFDs) must be U.S. Coast Guard approved, in serviceable condition, readily accessible, and of the appropriate size for intended user.

All children under 13 years of age in all vessels under 26 feet in length must wear a U.S. Coast Guard approved wearable PFD while underway. Underway means not at anchor, made fast to the shore, or aground.

All vessels, including canoes, paddle craft, and kayaks, must be equipped with one Type I, II, III or V wearable PFD for each person on board. A Type V PFD is acceptable only if used in accordance with the specific instructions on the label of the device.

Vessels 16 feet and longer, excluding canoes and kayaks, are required to be equipped with one Type IV throwable PFD in addition to the Type I, II, III, or V PFD required for each person on board.

Inflatable PFDs are authorized only when used in accordance with requirements as presented on U.S. Coast Guard approval labels.

### SOUND PRODUCING DEVICES

Any vessel less than 12 meters in length (39.4 ft.) is required to carry a whistle or horn, or some other means to make an efficient sound to signal intentions and position in periods of reduced visibility. Vessels 12 meters (39.4 ft.) or more in length are required to carry on board a whistle or horn, and a bell.

### MIRRORS REQUIRED

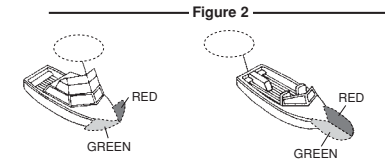
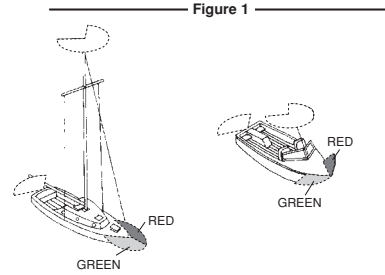
Every motorboat towing a person must have an observer, other than the operator, 13 years of age or older OR be equipped with a rearview mirror of a size no less than four inches (4") in measurement from bottom to top and across from one side to the other.

### LIGHTS REQUIRED

All vessels including motorboats, canoes, paddle craft, kayaks, punts, row-boats, rubber rafts, or other vessels when not at dock must have and exhibit at least one bright light, lantern or flashlight visible all around the horizon from sunset to sunrise in all weather and during restricted visibility.

#### Navigation Lights

**Power Driven Vessels Underway:** Power driven vessels of less than 20 meters (65.6 ft.) but more than 12 meters (39.4 ft.) shall exhibit navigation lights as shown in Figure 1. Vessels of less than 12 meters in length, shall show the lights in either Figure 1 or Figure 2.



**Manually Driven Vessels:** Manually driven vessels when paddled, poled, oared, or windblown;

- A sailing vessel of less than 20 meters (65.6 ft.), while underway shall exhibit sidelights and a sternlight which may be combined in one lantern carried at or near the top of the mast where it can best be seen.
- A sailing vessel of less than 7 meters (23 ft.) shall, if practicable, exhibit the sidelights and a sternlight, or shall exhibit at least one bright light, lantern or flashlight from sunset to sunrise when not at dock.
- All other manually driven vessels may exhibit sidelights and a sternlight, or shall exhibit at least one bright light, lantern, or flashlight from sunset to sunrise when not at dock.

In vessels of less than 12 meters (39.4 feet), white lights shall be visible at a distance of at least two (2) miles. Colored lights shall be visible at a distance of at least one (1) mile. "Visible" when applied to lights, means visible on dark nights with clear atmosphere. No other lights may be exhibited that may be mistaken for those prescribed.

### FIRE EXTINGUISHERS REQUIRED

Outboard motorboats less than 26 feet in length, of open construction, not carrying passengers for hire, are not required to carry fire extinguishers; however, a fire extinguisher is **required** if one or more of the following conditions exist: (1) Closed compartment under thwarts and seats wherein portable fuel tanks may be stored. (2) Double bottoms not sealed to the hull or which are not completely filled with flotation material. (3) Closed living spaces. (4) Closed storage compartments in which combustible or flammable materials are stored. (5) Permanently installed fuel tanks. (6) Inboard engines.

U.S. Coast Guard approved extinguishers are identified by the following marking on the label: "Marine Type USCG approved, Size .... Type ::::, 162.028/..." Check extinguishers annually to assure that they are properly charged. NOTE: All fire extinguishers must be readily accessible and in condition for immediate and effective use at all times.

Fire extinguishers approved for motorboats are hand-portable, of either B (for gasoline, oil & grease fires) or BC (also extinguishes electrical fires) classification.

Classification (Type-size)	Foam (minimum gallons)	Dry CO <sub>2</sub> (minimum pounds)	Dry Chemical (minimum pounds)	Halon (minimum pounds)
B-I	1 1/4	4	2	2 1/2
B-II	2 1/2	15	10	10

The number of approved extinguishers required depends upon the class of the motorboat. When the engine compartment of the motorboat is equipped with a fixed (built-in) extinguishing system of an approved type, one less B-I extinguisher is required.

Vessel length	Without fixed system in machinery space	With fixed system in machinery space
less than 26'	1 B-I	None
26' to less than 40'	2 B-I OR 1 B-II	1 B-I
40' to 65'	3 B-I OR 1 B-II and 1B-I	2 B-I or 1 B-II

### FLAME ARRESTERS (BACKFIRE FLAME CONTROL) REQUIRED

Gasoline engines installed in a vessel after April 25, 1940, except outboard motors, must be equipped with an acceptable means of backfire flame control. The device must be suitably attached to the air intake with a flame tight connection and is required to be Coast Guard approved or comply with SAE J-1928 or UL 1111 standards and marked accordingly.

### EXHAUST WATER MANIFOLD; MUFFLER

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

### VISUAL DISTRESS SIGNALS

Vessels operating in coastal waters are required to have a working and unexpired, (if expiration is shown), visual distress signal if they are 16 feet or more in length; are an uninspected passenger vessel; or are a vessel less than 16 feet in length that is operated between sunset and sunrise.

## BOATING REGULATIONS

### INSPECTION OF VESSELS

In order to enforce the provisions of the Water Safety Act, game wardens and other peace officers certified as marine safety enforcement officers by TPWD, may stop, board, and inspect any vessel to determine compliance with applicable provisions.

### ACCIDENTS AND CASUALTIES

Operators of vessels involved in any collision, accident or other casualty that results in:

- Death (or missing person); or
- Injury (requiring treatment beyond first aid) to any person; or
- Property damage exceeding \$2,000 must report the incident to a local law enforcement agency or to the Texas Parks and Wildlife Department within 30 days of the occurrence (48 hours if a fatality).

### STOP AND RENDER AID

The operator of any vessel involved in a boating accident must stop and render whatever assistance is necessary unless such action would endanger his own vessel, crew or passengers. 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 do so in an accident that results in death or serious bodily injury is punishable as a Texas Parks and Wildlife Code felony. Failure to do so in an accident that does not result in death or serious bodily injury is punishable as a Texas Parks and Wildlife Class A misdemeanor.

## MANDATORY BOATER EDUCATION REQUIREMENTS

A TPWD certified boater education course and photo I.D. is required for any person born on or after September 1, 1993 to operate: (1) a vessel powered by a motor of more than 15 horsepower; or (2) a windblown vessel over 14 feet in length.

No person may operate a PWC or motorboat powered by a motor of more than 15 horsepower on the public waters of this state unless the person is at least 13 years of age and has successfully completed a Boater Education Course or is supervised by another person who: (1) is at least 18 years of age; (2) can lawfully operate the motorboat; and (3) is on board the motorboat when underway.

Proof of completion of the requirements to obtain a vessel operator's license issued by the United States Coast Guard will satisfy the requirement for completing a boater education course in this state.

\*\*Boater education courses from other states are acceptable if NASBLA (National Association of State Boating Law Administrators) approved.

A person adjudged guilty of one of the following (**operating**) 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 any swimmer or occupant of a vessel engaged in water activities, (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 illegal hours or in a manner that endangers life or property, **shall 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.

## OPERATION OF YOUR BOAT

It is UNLAWFUL for any person to:

- Operate at a rate of speed greater than is reasonable and prudent or greater than will permit him to bring such boat to a stop within the assured clear distance ahead.
- Operate so as to cause a hazardous wake or wash.
- Operate in a circular course around another vessel, PWC, or individual engaged in water activities unless retrieving a downed or fallen water skier or a person engaged in similar activity.
- 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.
- Anchor in the traveled portion of a river or channel so as to prevent, impede, or interfere with safe passage of any other boat through the same area.
- 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.
- Engage in water skiing, surfboarding or other similar activity between the hours of 1/2 hour after sunset to 1/2 hour before sunrise; provided that this shall not apply to vessels used in recognized water ski tournaments, competitions, exhibitions or trials, provided that the water area is adequately lighted.
- Operate while intoxicated (**loss of mental or physical faculties, or blood alcohol content of .08 or higher**). 1st conviction punishable by a fine not to exceed \$2,000, confinement in jail not to exceed 180 days or both; 2nd conviction punishable by a fine not to exceed \$4,000, confinement not to exceed one year or both; 3rd conviction punishable by a fine not to exceed \$10,000, imprisonment for not more than 10 years or less than 2 years. **\*\*Failure to submit a specimen to determine blood alcohol content may result in suspension of your driver's license.**
- 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 so as to endanger or be likely to endanger any person or property. (Violation of this provision shall be 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 both.)