

- 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.)
- 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.

#### FOR MORE INFORMATION, CONTACT YOUR LOCAL GAME WARDEN OR:

[www.tpwd.texas.gov/fishboat/](http://www.tpwd.texas.gov/fishboat/)

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

© 2019 Texas Parks and Wildlife Department PWD BR L2000-001 (8/19)  
In accordance with Texas State Depository Law, this publication is available at the Texas State Publications Clearinghouse and/or Texas Depository Libraries.

TPWD receives funds from the USFWS. TPWD prohibits discrimination on the basis of race, color, religion, national origin, disability, age, and gender, pursuant to state and federal law. To request an accommodation or obtain information in an alternative format, please contact TPWD on a Text Telephone (TTY) at (512) 389-8915 or by Relay Texas at 7-1-1 or (800) 735-2989 or by email at [accessibility@tpwd.texas.gov](mailto:accessibility@tpwd.texas.gov). If you believe you have been discriminated against by TPWD, please contact TPWD, 4200 Smith School Road, Austin, TX 78744, or the U.S. Fish and Wildlife Service, Office for Diversity and Workforce Management, 5275 Leesburg Pike, Falls Church, VA 22041.



## A Digest of the Texas

# WATER SAFETY ACT

## A Summary of Boating Laws

THIS DIGEST IS NOT VALID AFTER AUGUST 31, 2021

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

### TITLING REQUIREMENTS

- All motorized vessels, regardless of length (including any sailboat with an auxiliary engine);
- All non-motorized vessels (excluding canoes, kayaks, punts, and rowboats) 14 feet in length or longer; and
- All internal combustion (gasoline/diesel/propane powered) outboard motors.
- Trailers are registered/titled through the applicant's local county tax office.

Title applications, signed bill of sale, and either a manufacturer's statement of origin (MSO) for new vessels/boats and outboard motors, or an original signed title for used vessels/boats and outboard motors, must be submitted to obtain title in applicant's name. **DO NOT** purchase a used vessel/boat or outboard motor without receiving an original title (signed on the front and back) along with a signed bill of sale from the person(s) listed on the title or from their legally documented representative. If a legal representative signs the title or bill of sale for the recorded owner(s), the applicant must obtain a copy of the documentation authorizing the legal representative to act on behalf of the owner(s). Applications for title must be submitted not later than 45 days from the date of purchase.

Purchases or gifts of boats or outboard motors that do not acquire the title and signed bill of sale (or statement of gift) 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. 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.

**Vessels Exempted from Titling** – All U.S. Coast Guard (USCG) documented vessels (documentation must be current), and all non-motorized canoes, kayaks, punts, rowboats, or rubber rafts (regardless of length), or other vessels under 14 feet in length when paddled, poled, or oared or windblown.

**RENEW/REPLACE ONLINE:** [www.tpwd.texas.gov/boat/](http://www.tpwd.texas.gov/boat/)

### REGISTRATION REQUIREMENTS

A Texas boat registration is valid for two years. The following vessels/boats when on Texas public water are required to have current registration, including when docked, moored, or stored:

- All motorized vessels, regardless of length (including any sailboat with an auxiliary engine);
- All non-motorized vessels (including sailboats) 14 feet in length or longer; and
- USCG documented vessels.

**Vessels Exempted from Registration** – Non-motorized canoes, kayaks, punts, rowboats, or rubber rafts (regardless of length), or other vessels under 14 feet in length when paddled, poled, oared or windblown. Adding an outboard or trolling motor to one of these vessel types requires titling and registration.

**Exempted USCG Documented Vessels** – Commercial tugboats; vessels exceeding 115 feet in length; and pilot or crew boats transporting freight, supplies, or personnel to or from cargo ships, freighters, or offshore oil infrastructure.

### TAX AND BILL OF SALE REQUIREMENTS

TPWD is required by law to collect tax for vessels/boats (115 feet or less in length) and outboard motors purchased in Texas or brought into Texas on or after January 1, 2000. The tax rate is 6.25% of the sales price. Tax is assessed at the time of title/registration transfer and is due within 45 working days from the date of sale or date brought to Texas. Applications filed later than 45 working days are subject to tax penalties and interest. A signed bill of sale or invoice is required for every transfer of ownership. Trailers are handled through the local county tax office and the price of the trailer must be separated from the price of the boat and motor.

**New Resident Tax** – \$15.00 New Resident tax is assessed (not sales tax) for owners bringing their previously titled or registered boat and/or outboard motor from another state into Texas.

For more information call (800) 262-8755 or visit [tpwd.texas.gov/fishboat/boat](http://tpwd.texas.gov/fishboat/boat).

### PLACEMENT OF TX NUMBER AND DECAL ON VESSELS

- The TX 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 TX number must 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 examples: **TX 0001 GG** or **TX-0001-GG**.
- The validation decal must be affixed in line with and three (3) inches towards the rear of the boat from the TX 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.
- Vessels registered as antique boats are permitted to display the registration decal on the left portion of the windshield. In the absence of a windshield, the registration decal must be attached to the certificate of number and made available for inspection when the boat is operated on public water.

### Decals on USCG Documented Vessels:

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

### 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 through the expiration date shown on the certificate; and
  - must also be aboard USCG Documented vessels that require Texas registration.

### HOMEMADE BOATS

Homemade boats require an affidavit from the applicant as to the origin of the boat and proof of the materials used in the construction of the boat (i.e. invoices from marine and hardware dealers for parts, etc.). Homemade boats are required to be inspected and certified by a TPWD game warden.

### HULL IDENTIFICATION AND MOTOR SERIAL NUMBERS

It is illegal to possess or intentionally sell, offer for sale, 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 for a vessel or outboard motor with a serial number that has been altered, defaced, mutilated or removed, a sworn statement must be filed with TPWD describing the vessel or outboard motor, providing proof of legal ownership, and stating the reason for the destruction, removal, alteration 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.

### SCHEDULE OF FEES

#### VESSEL REGISTRATION

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

#### CERTIFICATE OF NUMBER (REGISTRATION) ID CARD/DECALS

Correction of Certificate of Number .....	\$11.00
Transfer of ownership (Any TX titled/registered vessel) .....	\$11.00
Replacement Certificate of Number Card .....	\$11.00
Replacement Decals with new Certificate of Number card (required) .	\$22.00

#### TEXAS CERTIFICATE OF TITLE (VESSEL/OUTBOARD MOTOR)

Original title, transfer of title, or replacement title.....	\$27.00
Correction (Return incorrect title to TPWD).....	\$27.00
"Quick" Title (to expedite replacement of lost or destroyed titles only)	\$64.00

### OWNERSHIP TRANSFER (SALE, REMOVAL, ABANDONMENT OR DESTRUCTION) OF BOAT/OUTBOARD MOTOR

The recorded owner must provide notice to TPWD within 20 days after the date the boat and/or outboard motor are:

- sold, donated or gifted to a new owner;
- permanently removed from this state to another state or country; or
- abandoned or destroyed (the Certificate(s) of Title must be surrendered to TPWD).

### 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 an 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.

## 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 USCG approved wearable PFD for the activity taking place for each person on board. A USCG Approved 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 USCG approved wearable PFDs 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.

### ENGINE CUT-OFF SWITCH DEVICE (ECOS)

If the vessel is equipped, the cut-off switch, lanyard, or wireless device must be attached to operator, operator's clothing, or operator's PFD at all times when a PWC is underway, and at greater-than headway speed for all other motorboats under 26 ft. in length other than a PWC. The operator of the vessel is also responsible for verifying that the ECOS system is operation. **Headway speed** means slow, idle speed, or speed only fast enough to maintain steerage without creating a swell or wake.

### 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

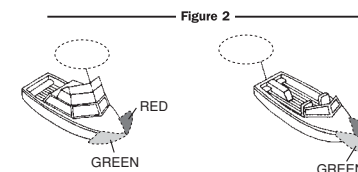
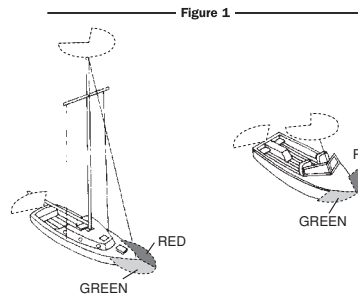
Every motorboat towing a person must have an observer, other than the operator, 13 years of age or older OR be equipped with a rearview mirror of a size no less than four inches (4") in measurement from bottom to top and across from one side to the other.

### LIGHTS REQUIRED

All vessels including motorboats, canoes, paddle craft, kayaks, punts, rowboats, 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 (39.4 ft.) 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 (min. gallons)	Dry CO <sub>2</sub> (min. pounds)	Dry Chemical (min. pounds)	Halon (min. pounds)
5-B	1 1/4	4	2	2 1/2
20-B	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 5-B extinguisher is required.

Vessel length	Without fixed system in machinery space	With fixed system in machinery space
less than 26'	1 5-B	1 5-B
26' to less than 40'	2 5-B OR 1 20-B	1 5-B
40' to 65'	3 5-B OR 1 20-B and 1 5-B	2 5-B or 1 20-B

### 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 the Texas Parks and Wildlife Department within 30 days of the occurrence (48 hours if a fatality).

#### TO REPORT A BOATING ACCIDENT

Contact the Texas Parks and Wildlife Department at (800) 792-1112 or (512) 389-4848 (24-hour dispatch).

#### 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 under way.

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.

### 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/)

### OPERATION OF YOUR BOAT

It is UNLAWFUL for any person to:

1. 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.
2. Operate so as to cause a hazardous wake or wash.
3. 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.
4. 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.
5. 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.
6. Operate within an area designated as bathing, fishing, swimming, or otherwise restricted.
7. Operate within a designated "no wake" area except at headway speed without creating a swell or wake.
8. 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.