

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Canada**

A Bill

SENATE BILL 608

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 27, CHAPTER 1, SUBCHAPTERS 1, 2 AND
9 3 OF THE ARKANSAS CODE OF 1987 TO BRING ARKANSAS
10 WATERCRAFT LAWS IN COMPLIANCE WITH FEDERAL REQUIREMENTS;
11 AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 SECTION 1. Arkansas Code §27-101-103 is hereby amended to read as
16 follows:

17 "27-101-103. Definitions. As used in subchapters 1-3 of this chapter,
18 unless the context otherwise requires:

19 (1) 'Vessel' means every description of watercraft, other than a
20 seaplane on the water, used or capable of being used as a means of
21 transportation;

22 (2) (A) 'Motorboat' means any vessel operated upon water and which is
23 propelled by mechanical means, including gasoline, diesel or electric motors;

24 (B) 'Sailboat' means all sailing vessels sixteen (16) feet or
25 more in length and all sailing vessels equipped with mechanical propulsion;

26 (C) 'Motorboat' shall not include a canoe, kayak, raft, or inner
27 tube or similar flotation device except if that device is powered by any
28 mechanical means;

29 (D) 'Mechanical means' shall include motors powered by gasoline,
30 diesel, electricity or steam;

31 (3) 'Owner' means a person, other than a lien holder, having the
32 property in or title to a motorboat. The term includes a person entitled to
33 the use or possession of a motorboat subject to an interest in another person,
34 reserved or created by agreement and securing payment or performance of an
35 obligation, but the term excludes a lessee under a lease not intended as

1 security;

2 (4) 'Waters of this state' means any waters within the territorial
3 limits of the State of Arkansas;

4 (5) 'Person' means an individual, partnership, firm, corporation,
5 association, or other entity;

6 (6) 'Operate' means to navigate or otherwise use a motorboat or a
7 vessel;

8 (7) 'Length' means the extreme deck fore-and-aft measurement of a
9 vessel."

10

11 SECTION 2. Subsection (10) of Arkansas Code §27-101-202 is hereby
12 amended to read as follows:

13 "(10) If owning or having control of a motorboat of ten horsepower (10
14 HP) or more, shall permit a person under sixteen (16) years in age to operate
15 the motorboat of ten horsepower (10 HP) or more except under the direct
16 visible and audible supervision of a parent, guardian, or other person over
17 seventeen (17) years of age."

18

19 SECTION 3. Arkansas Code 27-101-204 is hereby amended by adding a new
20 subdivision at the end thereof to read as follows:

21 "(d) Neither the owner/manager nor any personnel of the firm renting
22 boats, motors, flotation devices, or any other safety equipment, shall be
23 liable for any malfunction of said equipment, when renter signs an agreement
24 that the equipment was operating properly when taking possession."

25

26 SECTION 4. Subsection (a)(1) of Arkansas Code §27-101-203 is hereby
27 amended to read as follows:

28 "(1)(A) On boats under sixteen (16) feet in length, one (1) type I, II,
29 III, IV, or V Personal Flotation Device (PFD) approved by the U.S. Coast
30 Guard in good and serviceable condition for each person on board;

31 (B) On boats sixteen (16) feet or more in length, one (1) type I,
32 II, III, or V Personal Flotation Device (PFD) approved by the U.S. Coast
33 Guard in good and serviceable condition for each person on board plus one (1)
34 type IV throwable device, U.S. Coast Guard approved, which may include a ring
35 buoy or flotation cushion;

1 (C) Each person being towed on water skis, an aquaplane, or
 2 similar device behind any motorboat or motor-driven device used for towing
 3 persons, upon the water must wear or have securely upon his body a type I, II,
 4 III or V Personal Flotation Device (PFD) which is U.S. Coast Guard approved
 5 and in good and serviceable condition at all times while engaging in such
 6 activity. However, the requirement of this paragraph shall not be applicable
 7 to organized water carnivals, waterskiing exhibitions, or other organized
 8 water sports exhibitions, nor to person participating in those activities or
 9 exhibitions;"

10

11 SECTION 5. Subsection (b) of Arkansas Code §27-101-205 is hereby
 12 amended to read as follows:

13 "(b) In the case of collision, accident, or other casualty involving a
 14 vessel if the collision, accident, or other casualty results in death or
 15 injury to a person or damage to property in excess of five hundred dollars
 16 (\$500), the operator of the vessel shall file with the Arkansas Game and Fish
 17 Commission, Boating Safety Section, a full description of the collision,
 18 accident, or other casualty, including information that the commission may, by
 19 regulation, require."

20

21 SECTION 6. Arkansas Code §27-101-301 is hereby amended to read as
 22 follows:

23 "27-101-301. Identifying number required. Every motorboat and every
 24 sailboat sixteen (16) feet or more in length on the waters of this state shall
 25 be numbered. No person shall operate or give permission for the operation of
 26 any motorboat or sailboat sixteen (16) feet or more in length on the waters of
 27 this state unless:

28 (1) The motorboat or sailboat is numbered:

29 (A) In accordance with this subchapter; or

30 (B) In accordance with applicable federal law; or

31 (C) In accordance with a federally approved numbering system of
 32 another state; and unless

33 (2)(A) The certificate of number awarded to the motorboat or sailboat
 34 is in full force and effect; and

35 (B) The identifying number set forth in the certificate of number

1 is displayed on each side of the bow of the motorboat or sailboat."

2

3 SECTION 7. Subsection (6) of Arkansas Code §27-101-302 is hereby
4 amended to read as follows:

5 "(6) (A) A motorboat or sailboat sixteen (16) feet or more in length,
6 used for demonstration purposes or testing purposes only, by a recognized boat
7 dealer or manufacturer or agent thereof to promote the sale or development of
8 the motorboat or sailboat must display a dealer registration number on the bow
9 of his boat. All boat dealers or manufacturers wishing to obtain the benefits
10 of this subdivision shall present proof of a sale tax permit from the State of
11 Arkansas or a copy of their business license to the Revenue Division of the
12 Department of Finance and Administration. The Revenue Division of the
13 Department of Finance and Administration may issue, subject to the rules and
14 regulations of the Arkansas Game and Fish Commission, to a motorboat dealer or
15 manufacturer an identifying certificate of number and require the attachment
16 or display of the number on both sides of the bow of any motorboat or sailboat
17 sixteen (16) feet or more in length used for demonstration or testing purposes
18 while the motorboat or sailboat is being operated for demonstration or testing
19 purposes on the waters of this state. The fee for each dealer certificate of
20 number shall be two dollars (\$2.00) and shall be renewable every year.

21 (B) A boat dealer or manufacturer must obtain the necessary
22 quantity of certificates of number to cover the total number of demonstration
23 boats operating on the waters of this state or other states during the same
24 period of time. No two (2) boats may display the same registration number at
25 the same time.

26 (C) When a boat is used by a manufacturer or a dealer for testing
27 or demonstrating, the registration number may be painted on or attached to
28 removable plates that are temporarily but firmly attached to each side of the
29 forward half of the boat."

30

31 SECTION 8. Arkansas Code §27-101-304 is hereby amended to read as
32 follows:

33 "27-101-304. Filing of application - Issuance of certificate.

34 (a) The owner of each motorboat or sailboat for which numbering is
35 required by this state shall, within ten (10) working days of the date of

1 purchase of said boat, file an application for number with the Director of the
2 Department of Finance and Administration on forms approved by the Arkansas
3 Game and Fish Commission.

4 (b) The application shall be signed by the owner of the motorboat and
5 shall be accompanied by a fee as provided in 27-101-306.

6 (c) Upon receipt of the application in approved form, accompanied by
7 proof that the motorboat has been duly assessed or listed for assessment, the
8 Director of the Department of Finance and Administration shall enter the
9 application upon the records of his office and issue to the applicant a
10 certificate of number stating the number awarded to the motorboat and the name
11 and address of the owner.

12 (d) The certificate of number shall be issued in triplicate, with the
13 original copy to be furnished the owner of the motorboat. The duplicate shall
14 be retained as a record by the Director of the Department of Finance and
15 Administration. The triplicate copy shall be furnished to the Arkansas Game
16 and Fish Commission to be retained for a period of five (5) years. In the
17 event that an agency of the United States Government shall have in force in
18 the United States an over-all system of identification numbering for boats
19 covered by 27-101-101 et seq., then the numbering system required by
20 27-101-101 et seq. and the Arkansas Game and Fish Commission shall be in
21 conformity therewith.

22 (e) In the event a certificate of number is lost or destroyed, the
23 person whose name appears on the certificate as the owner may apply for a
24 duplicate certificate by submitting to the Department of Finance and
25 Administration:

- 26 (1) An application for a certificate of number (boat
- 27 registration) on forms approved by the Arkansas Game and Fish Commission; and
- 28 (2) A fee of fifty percent (50%) of the full registration fee.

29 The duplicate registration certificate shall be valid only for the
30 remaining time on the original registration certificate."

31

32 SECTION 9. Arkansas Code §27-101-306 is hereby amended to read as
33 follows:

34 "27-101-306. Numbering period - Expiration - Renewal.

35 (a) The certificates of numbers issued pursuant to subchapters 1-3 of

1 this chapter may be for a period of two (2) years.

2 (b) The Director of the Department of Finance and Administration shall
3 establish a system in a manner that the expiration dates of the various
4 certificates of numbers will be evenly distributed throughout the year and
5 each year thereafter, to the end that boat certificates of numbers will be
6 renewable as uniformly as practicable throughout each of the twelve (12)
7 months of the license year in each year.

8 (c) Upon request, the director shall assign to any owner of two (2) or
9 more boats the same registration period.

10 (d) (1) A fee based on the length of the motorboat as set forth in this
11 subsection shall be charged for the issuance of a certificate of number and
12 for each renewal of each certificate of number.

13 (2) The fee to be collected for certificates shall be as follows:

14 Fee Category	2 Years
15 Vessels less than 16 feet in length	\$4.00
16 Vessels 16 feet to less than 26 feet	8.00
17 Vessels 26 feet or more	12.00

18 (e) Notice shall be given to the Arkansas Game and Fish Commission of
19 each certificate of number renewed and of the transfer of any certificate of
20 number.

21 (f) Every certificate of number awarded pursuant to this subchapter
22 shall continue in full force and effect until the expiration of each numbering
23 period unless sooner terminated or discontinued in accordance with the
24 provisions of this subchapter.

25 (g) Certificates of number may be renewed by the owner in the same
26 manner provided in this section for initially securing the certificate and
27 upon payment of the fee as set forth in this section.

28 (h) Unless a certificate of number is renewed on or before the
29 fifteenth day following the expiration thereof, it shall lapse and shall no
30 longer be of any force and effect unless renewed in the manner prescribed in
31 this subchapter."

32

33 SECTION 10. Arkansas Code §27-101-308 is hereby amended to read as
34 follows:

35 "27-101-308. Reciprocity.

