

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2525

4
5 By: Representative Haak
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE TITLE 27 CHAPTER
10 101 PERTAINING TO WATERCRAFT; TO ADOPT MARINE
11 SANITATION LAWS IN CONFORMANCE WITH FEDERAL LAW;
12 TO AUTHORIZE THE DEPARTMENT OF HEALTH TO
13 ADMINISTER AND ENFORCE MARINE SANITATION LAWS; TO
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

16 AN ACT TO ADOPT MARINE SANITATION LAWS
17 IN CONFORMANCE WITH FEDERAL LAW.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 27-101-102(a), concerning the applicability
24 of the general provisions for watercraft, is amended to read as follows:

25 (a) The provisions of ~~subchapters 1-3~~ of this chapter and of other
26 applicable laws of this state shall govern the operation, equipment,
27 numbering, and all other matters relating thereto whenever any vessel shall
28 be operated on the waters of this state or when any activity regulated by
29 this subchapter shall take place thereon.
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32 SECTION 2. Arkansas Code § 27-101-103, is amended, and added to, to
33 read as follows:

34 27-101-103. Definitions.

35 As used in ~~subchapters 1-3~~ of this chapter, unless ~~the context~~
36 ~~otherwise requires~~ otherwise specified in the particular subchapter:



1 (1) "Vessel" means every description of watercraft, other than a
 2 seaplane on the water, used or capable of being used as a means of
 3 transportation;

4 (2) "Motorboat" means any vessel operated upon water and which is
 5 propelled by sail or machinery, whether or not the machinery is the principal
 6 source of propulsion, but shall not include a vessel which has a valid marine
 7 document issued by the United States Customs Service of the United States
 8 Government or any federal agency successor thereto;

9 (3) "Owner" means a person, other than a lienholder, having the
 10 property in or title to a motorboat. The term includes a person entitled to
 11 the use or possession of a motorboat subject to an interest in another
 12 person, reserved or created by agreement and securing payment or performance
 13 of an obligation, but the term excludes a lessee under a lease not intended
 14 as security;

15 (4)(A) "Waters of this state" means any ~~public~~ waters within the
 16 territorial limits of the State of Arkansas.

17 (B) However, waters that are confined within a pond, tank, or
 18 lake, situated entirely on the premises of a single owner and that, except
 19 under abnormal flood conditions, are in no way connected by water or with any
 20 other flowing stream or body of water, or with any other body of water not
 21 situated on the premises of the owner, are declared to be privately owned
 22 waters and shall not be construed to be waters of this state;

23 (5) "Person" means an individual, partnership, firm, corporation,
 24 association, or other entity;

25 (6) "Operate" means to navigate or otherwise use a motorboat or a
 26 vessel;

27 (7) "Length" means the extreme deck fore-and-aft measurement of a
 28 vessel;

29 (8) "Operator" means a person who is controlling the speed and
 30 direction of a vessel or a person who is in direct physical control of a
 31 vessel;

32 (9) "Personal watercraft" means a vessel which uses an inboard motor
 33 powering a water jet pump as its primary source of motive power and which is
 34 designed to be operated by a person sitting, standing, or kneeling on the
 35 vessel, rather than the conventional manner of sitting or standing inside the
 36 vessel; ~~and~~

1 (10) "Commission" means the Arkansas State Game and Fish Commission;

2 (11) "Marina" means a dock or basin providing moorings for motorboats
3 and offering supply, repair, or other services for remuneration; and

4 (12) "Marine sanitation device" means equipment that is identified by
5 the United States Coast Guard as meeting the standards of the United States
6 Environmental Protection Agency to eliminate the discharge of untreated
7 sewage from vessels and is a device that receives, treats, retains, or
8 discharges sewage.

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