

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Bradford**

# A Bill

**ACT 1077 OF 1995**  
**SENATE BILL 792**

## For An Act To Be Entitled

8 "AN ACT TO AMEND UNCODIFIED ACT 517 OF 1995 PERTAINING TO  
9 RECKLESS OPERATION OF A MOTORBOAT; *TO LIMIT NAVIGATION ON*  
10 *THE ELEVEN-POINT RIVER BY LARGE MOTORBOATS*; AND FOR OTHER  
11 PURPOSES."

## Subtitle

14 "AN ACT TO AMEND UNCODIFIED ACT 517 OF  
15 1995 PERTAINING TO RECKLESS OPERATION OF  
16 A MOTORBOAT."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. SECTION 4 of Uncodified Act 517 of 1995 is amended to read  
21 as follows:

22 "SECTION 4. Arkansas Code §§27-101-202(1) and (2) are amended to read  
23 as follows:

24 \_ (1) Shall operate any motorboat or vessel or manipulate any water  
25 skis, aquaplane, personal watercraft, or similar device in a reckless or  
26 negligent manner that endangers the life, limb, or property of any person;  
27 including but not limited to weaving through congested vessel traffic,  
28 operating within one hundred (100) feet of a towboat that is underway, jumping  
29 the wake of another vessel too close to such other vessel, or when visibility  
30 around such other vessel is obstructed and swerving at the last possible  
31 moment to avoid collision shall constitute reckless operation of a vessel;

32 (2) Shall operate a motorboat on the waters of this state at a rate of  
33 speed that creates a hazardous wash or wake upon approaching or passing  
34 vessels; including, but not limited to a wake that causes other vessels to  
35 take-on water, or a wake sufficient to toss occupants of other vessels about  
36 in a manner to cause injury or the risk of injury;"

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SECTION 2. (a) The Eightieth General Assembly of the State of Arkansas finds that the portion of Eleven Point River located in Randolph County, from its confluence with the Spring River at the Randolph and Lawrence County line, north, upstream to the Missouri state line, possesses unique and outstanding scenic, recreational, botanical, faunal, and other outdoor values of vital interest and present and potential benefit to the people of the State of Arkansas, and the preservation of its unpolluted and natural state is essential for this and future generations.

(b) In furtherance of the purposes set forth in subsection (a) of this section, from and after the effective date of this act, it shall be unlawful for any motorboat equipped with a greater than twenty-five (25) horsepower engine to operate or navigate on the Eleven Point River from its confluence with the Spring River at the Randolph and Lawrence County line, north, upstream to the Missouri state line. As used in this act, the term "motorboat" shall have the same meaning as the term is defined in Arkansas Code § 27-101-103.

(c) Nothing in this section shall affect the jurisdictions or responsibilities of state agencies or political subdivisions of the State of Arkansas in the enforcement of laws with respect to water, fish, and wildlife and other related resources. This section is intended to supplementary and in addition to all other Arkansas law regulating the use of waterways, motorboats, and natural scenic rivers.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

1 SECTION 5. All laws and parts of laws in conflict with this act are  
2 hereby repealed.

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*/s/Bradford*

APPROVED: 4-10-95

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