

1 State of Arkansas *As Engrossed: H3/15/13 S4/1/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1779

4

5 By: Representative Holcomb

6 *By: Senator J. Woods*

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For An Act To Be Entitled

9 AN ACT TO PERMIT THE ELECTRONIC DISPLAY OF PROOF OF
10 WATERCRAFT LIABILITY INSURANCE COVERAGE FOR PROOF OF
11 INSURANCE AND REGISTRATION PURPOSES; AND FOR OTHER
12 PURPOSES.

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Subtitle

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TO PERMIT THE ELECTRONIC DISPLAY OF PROOF
17 OF WATERCRAFT LIABILITY INSURANCE
18 COVERAGE FOR PROOF OF INSURANCE AND
19 REGISTRATION PURPOSES.

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

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24 SECTION 1. Arkansas Code § 27-101-207(b)(1)(A), concerning liability
25 insurance required for watercraft, is amended to read as follows:

26 (b)(1)(A) If the motorboat or personal watercraft is involved in an
27 accident, Failure failure to present proof of ~~liability~~ insurance coverage
28 required by subdivision (a)(1) of this section if the motorboat or personal
29 ~~watercraft is involved in an accident~~ creates a rebuttable presumption that
30 the motorboat or the personal watercraft is uninsured.

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(B)(i) For ~~the~~ purposes of this section, “proof of
32 insurance” shall consist of a policy declaration page or other documentation,
33 or a copy of a policy declaration page or other documentation in an
34 acceptable electronic format, which that reflects the motorboat or personal
35 watercraft coverage furnished to the insured by the insurance company ~~which~~
36 and can be conveniently carried in the motorboat or personal watercraft.



1 (ii) Insurance companies shall not be required to
2 provide proof of insurance ~~which~~ that may be conveniently carried as
3 required in subdivision (b)(1)(B)(i) of this section if the insurance
4 coverage is provided as part of a homeowner's insurance policy.

5 (iii) As used in this section, "acceptable
6 electronic format" means an electronic image produced on the person's own
7 cellular phone or other type of portable electronic device that displays all
8 the information in the policy declaration or other documentation as clearly
9 as the paper policy declaration or other documentation.

10 (iv) The presentment of proof of insurance in an
11 acceptable electronic format does not:

12 (a) Authorize a search of any other content of
13 an electronic device without a search warrant or probable cause; or

14 (b) Expand or restrict the authority of a law
15 enforcement officer to conduct a search or investigation.

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17 SECTION 2. Arkansas Code § 27-101-304(b) and (c), concerning motorboat
18 registration and numbering, are amended to read as follows:

19 (b) The application shall be signed by the owner of the motorboat and
20 shall be accompanied by a fee as provided in § 27-101-306 and by proof of of
21 insurance establishing that the motorboat, if it is equipped with more than
22 fifty horsepower (50 HP), or personal watercraft is covered by a liability
23 insurance policy issued by an insurance company authorized to do business in
24 this state.

25 (c)(1) Upon receipt of the application in approved form, accompanied
26 by proof that the motorboat has been ~~duly~~ assessed or listed for assessment
27 and, if it is equipped with more than fifty horsepower (50 HP) or is personal
28 watercraft, is covered by a liability insurance policy issued by an insurance
29 company authorized to do business in this state, the director shall enter the
30 application upon the records of his or her office and issue to the applicant
31 a certificate of number stating the number awarded to the motorboat and the
32 name and address of the owner.

33 (2)(A) For the purposes of this section, "proof of insurance"
34 shall consist of a policy declaration page or other documentation, or a copy
35 of a policy declaration page or other documentation in an acceptable
36 electronic format, that reflects the motorboat or personal watercraft

1 coverage furnished to the insured by the insurance company which can be
2 conveniently carried in the motorboat or personal watercraft.

3 (B) Insurance companies shall not be required to provide
4 proof of insurance that may be conveniently carried as required in
5 subdivision (c)(2)(A) of this section if the insurance coverage is provided
6 as part of a homeowner's insurance policy.

7 (C) As used in this section, "acceptable electronic
8 format" means an electronic image produced on the person's own cellular phone
9 or other type of portable electronic device that displays all of the
10 information in the policy declaration or other documentation as clearly as
11 the paper policy declaration or other documentation.

12 (D) The presentment of proof of insurance in an acceptable
13 electronic format does not:

14 (i) Authorize a search of any other content of an
15 electronic device without a search warrant or probable cause; or

16 (ii) Expand or restrict the authority of a law
17 enforcement officer to conduct a search or investigation.

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19 */s/Holcomb*

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22 **APPROVED: 04/22/2013**