		eted from and underlined language would be added to the law as it existed rior to this session of the General Assembly. Act 1156 of the Regular Session	d
1	State of Arkansas	As Engrossed: S2/24/05	
2	85th General Assembly	A Bill	
3	Regular Session, 2005	SENATE BILL 3	;90
4			
5	By: Senator T. Smith		
6			
7			
8		For An Act To Be Entitled	
9	AN ACT TO	PROVIDE THAT AN OWNER OF A BOAT SHALL	
10	NOT BE ST	RICTLY LIABLE TO A RENTER, OPERATOR, OR	
11	LESSEE OF	THE BOAT FOR INJURIES CAUSED BY	
12	NEGLIGENT	OPERATION OF THE BOAT BY THE RENTER,	
13	OPERATOR,	OR LESSEE; AND FOR OTHER PURPOSES.	
14			
15		Subtitle	
16	AN ACT	TO PROVIDE THAT AN OWNER OF A	
17	BOAT SI	HALL NOT BE STRICTLY LIABLE TO A	
18	RENTER	, OPERATOR, OR LESSEE OF THE BOAT	
19	FOR IN.	JURIES CAUSED BY NEGLIGENT	
20	OPERAT:	ION OF THE BOAT BY THE RENTER,	
21	OPERATO	OR, OR LESSEE.	
22			
23			
24	BE IT ENACTED BY THE GEN	IERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
25			
26		as Code § 27-101-201 is amended to read as follows:	
27		llity of owner <u>, renter, operator,</u> or lessee of vessel	1
28	for injury or damage.		
29		enter, operator, or lessee of a vessel shall be liabl	
30		e occasioned by the negligent operation of the vessel	L,
31		sts of violating the provisions of the statutes of	
32		, to observe such ordinary care and such operation as	3
33	the rules of the common	-	
34	(b) <u>(1)</u> The owner	shall not be liable, however, unless the vessel is	

35 being used with his express or implied consent.



## As Engrossed: S2/24/05

1	(2)(A) The owner shall not be strictly liable to a renter,
2	operator, or lessee for any injury or damage occasioned by the negligent
3	operation of the vessel by the renter, operator, or lessee.
4	(B) The liability of the owner for injury or damage
5	suffered by a renter, operator, or lessee shall be determined by comparing
6	the fault of the owner and the fault of the renter, operator, or lessee in
7	accordance with §§ 16-55-216 and 16-64-122.
8	(c) It shall be presumed that the vessel is being operated with the
9	knowledge and consent of the owner if, at the time of the injury or damage,
10	it is under the control of his or her spouse, father, mother, brother,
11	sister, son, daughter, or other immediate member of the owner's family.
12	(d) Nothing contained herein shall be construed to relieve any other
13	person from any liability which he would otherwise have, but nothing
14	contained herein shall be construed to authorize or permit any recovery in
15	excess of injury or damage actually incurred.
16	
17	/s/ T. Smith
18	
19	
19 20	APPROVED: 3/22/2005
	APPROVED: 3/22/2005
20	APPROVED: 3/22/2005
20 21	APPROVED: 3/22/2005
20 21 22	APPROVED: 3/22/2005
20 21 22 23	APPROVED: 3/22/2005
20 21 22 23 24	APPROVED: 3/22/2005
20 21 22 23 24 25	APPROVED: 3/22/2005
20 21 22 23 24 25 26	APPROVED: 3/22/2005
20 21 22 23 24 25 26 27	APPROVED: 3/22/2005
20 21 22 23 24 25 26 27 28	APPROVED: 3/22/2005
20 21 22 23 24 25 26 27 28 29	APPROVED: 3/22/2005
20 21 22 23 24 25 26 27 28 29 30	APPROVED: 3/22/2005
20 21 22 23 24 25 26 27 28 29 30 31	APPROVED: 3/22/2005
20 21 22 23 24 25 26 27 28 29 30 31 32	APPROVED: 3/22/2005
20 21 22 23 24 25 26 27 28 29 30 31 32 33	APPROVED: 3/22/2005

2