

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1994

"TO AUTHORIZE A BOATING ENDORSEMENT FOR A DRIVER'S LICENSE AND TO
PROVIDE FUNDING TO FOR OPERATION COSTS ASSOCIATED WITH MARINE
CONTROL PROGRAMS."

Amendment No. 1 to House Bill No. 1994.

Amend House Bill No. 1994 as originally introduced:

Page 1, line 10, delete "LICENSE;" and substitute "LICENSE AND IDENTIFICATION CARD;"

AND

Page 1, line 12, delete "CONTROL" and substitute "PATROL"

AND

Delete the subtitle in its entirety and substitute:

"TO AUTHORIZE A BOATING ENDORSEMENT FOR A
DRIVER'S LICENSE AND IDENTIFICATION
CARD; TO PROVIDE FUNDING FOR OPERATION
COSTS ASSOCIATED WITH MARINE PATROL
PROGRAMS."

AND

Delete all language after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 27, Chapter 16, Subchapter 8 is amended to add an additional section to read as follows:

27-16-812. Boating endorsement.

(a)(1) A person born before January 1, 1986, shall obtain a boating endorsement on his or her driver's license or identification card as required under § 27-101-208 for a fee of ten dollars (\$10.00).

(2) A person who was born on or after January 1, 1986, who presents proof that he or she has successfully completed a boating education course required by § 27-101-501 shall obtain a boating endorsement on his or



her driver's license or identification card as required under § 27-101-208 for a fee of ten dollars (\$10.00).

(b) If the holder of a driver's license or identification card chooses to have a duplicate driver's license or identification card issued with a boating endorsement before the expiration of his or her driver's license or identification card, the Office of Driver Services of the Revenue Division of the Department of Finance and Administration may issue a duplicate driver's license or identification card upon payment of the appropriate fee required by law and the boating endorsement fee under this section.

(c) An additional fee of ten dollars (\$10.00) shall be charged for each renewal of a driver's license or identification card with a boating endorsement in addition to the fee required by law for the driver's license or identification card.

(d)(1) The fees under this section shall be collected by the Office of Driver Services.

(2)(A) The office shall remit the fees to the county that the applicant states is the county where the applicant primarily uses his or her motorboat, personal watercraft, or vessel as defined under § 27-101-103.

(B) The statement made by the applicant under subdivision (d)(2)(A) of this section shall be used strictly for the distribution of funds under this section and not for any other purpose, including the assessment of taxes.

(3)(A) If the sheriff of that county has established a patrol on the waterways within the county, the county shall deposit the funds transferred from the office under this section to the boating safety and enforcement fund to be used exclusively by the county sheriff for marine patrol and the enforcement of laws pertaining to watercraft under § 27-101-101 et seq.

(B)(i) If the sheriff has not established a marine patrol on the waterways within the county and if either the county or any city or town within a county or both has established an emergency rescue service, the county treasurer shall deposit that county's share of the total fees collected into the county emergency rescue fund to be used exclusively for operating and maintaining emergency rescue services within the county and within the towns and cities within the county.

(ii) After the treasurer receives the funds, the treasurer shall divide the funds in the county emergency rescue fund equally among the county and the cities and towns within the county, if any, that have emergency rescue services.

(e)(1) The Office of Driver Services may promulgate rules for the implementation and administration of this section.

(2) The Office of Driver Services shall make available boating endorsements for driver's licenses and identification cards beginning on January 1, 2010.

SECTION 2. Arkansas Code § 27-101-104 is amended to read as follows:
27-101-104. Penalties.

(a) ~~Any~~ A person who violates any provision of §§ 27-101-202(8), 27-101-203, 27-101-208, 27-101-301, 27-101-303 – 27-101-306, and 27-101-308 – 27-101-312 ~~shall be is~~ guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars (\$100) ~~and not to exceed~~ nor more than two hundred fifty dollars (\$250) for each violation.

(b) ~~Any~~ A person who violates any provision of §§ 27-101-202(2)-(6), (9), and (12) and 27-101-204 ~~shall be~~ is guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars (\$100) ~~and not to exceed~~ nor more than five hundred dollars (\$500) for each violation.

(c) ~~Any~~ A person who violates any provision of § 27-101-202(1), (7), (10), (11), or (12) ~~shall be~~ is guilty of a misdemeanor and shall be subject to a fine of not less than two hundred fifty dollars (\$250) ~~and not to exceed~~ nor more than one thousand dollars (\$1,000) or imprisonment not to exceed six (6) months or both fine and imprisonment for each violation.

SECTION 3. Arkansas Code Title 27, Chapter 101, Subchapter 2 is amended to add an additional section to read as follows:

27-101-208. Boating endorsement required.

(a) Except as provided under subsections (b) and (c) of this section, the operator of a motorboat, personal watercraft, or vessel as defined under § 27-101-103 shall have a boating endorsement on a driver's license or identification card issued or renewed after January 1, 2010.

(b) The holder of a driver's license or identification card shall have in his or her possession a boating certificate while operating a motorboat, personal watercraft, or vessel as defined under § 27-101-103 after January 1, 2010, until he or she renews the driver's license or identification card and obtains a boating endorsement.

(c) A nonresident operator of a motorboat, personal watercraft, or vessel as defined under § 27-101-103 shall have in his or her possession the temporary boater education certificate issued under § 27-101-501(d)(4).

(d) The penalty for a violation of this section shall be as provided under § 27-101-104(a)."

The Amendment was read _____
By: Representative Saunders
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Chief Clerk