

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.

INTERIM STUDY PROPOSAL 2009-039

State of Arkansas

As Engrossed: H3/25/09

87th General Assembly

**A Bill**

Regular Session, 2009

HOUSE BILL 1994

By: Representative Saunders

Filed with: House Interim Committee on Public Transportation  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO AUTHORIZE A BOATING ENDORSEMENT FOR A  
DRIVER'S *LICENSE AND IDENTIFICATION CARD*; TO  
PROVIDE FUNDING TO COUNTY SHERIFFS FOR OPERATION  
COSTS ASSOCIATED WITH MARINE *PATROL* PROGRAMS; AND  
FOR OTHER PURPOSES.

**Subtitle**

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

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

*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*



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

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

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

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

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

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

23 (3)(A) If the sheriff of that county has established a patrol on  
24 the waterways within the county, the county shall deposit the funds  
25 transferred from the office under this section to the boating safety and  
26 enforcement fund to be used exclusively by the county sheriff for marine  
27 patrol and the enforcement of laws pertaining to watercraft under § 27-101-  
28 101 et seq.

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

36 (ii) After the treasurer receives the funds, the

1 treasurer shall divide the funds in the county emergency rescue fund equally  
2 among the county and the cities and towns within the county, if any, that  
3 have emergency rescue services.

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

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

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10 SECTION 2. Arkansas Code § 27-101-104 is amended to read as follows:  
11 27-101-104. Penalties.

12 (a) ~~Any~~ A person who violates any provision of §§ 27-101-202(8), 27-  
13 101-203, 27-101-208, 27-101-301, 27-101-303 – 27-101-306, and 27-101-308 –  
14 27-101-312 ~~shall be~~ is guilty of a misdemeanor and shall be subject to a fine  
15 of not less than one hundred dollars (\$100) ~~and not to exceed~~ nor more than  
16 two hundred fifty dollars (\$250) for each violation.

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

21 (c) ~~Any~~ A person who violates any provision of § 27-101-202(1), (7),  
22 (10), (11), or (12) ~~shall be~~ is guilty of a misdemeanor and shall be subject  
23 to a fine of not less than two hundred fifty dollars (\$250) ~~and not to exceed~~  
24 nor more than one thousand dollars (\$1,000) or imprisonment not to exceed six  
25 (6) months or both fine and imprisonment for each violation.

26  
27 SECTION 3. Arkansas Code Title 27, Chapter 101, Subchapter 2 is  
28 amended to add an additional section to read as follows:

29 27-101-208. Boating endorsement required.

30 (a) Except as provided under subsections (b) and (c) of this section,  
31 the operator of a motorboat, personal watercraft, or vessel as defined under  
32 § 27-101-103 shall have a boating endorsement on a driver's license or  
33 identification card issued or renewed after January 1, 2010.

34 (b) The holder of a driver's license or identification card shall have  
35 in his or her possession a boating certificate while operating a motorboat,  
36 personal watercraft, or vessel as defined under § 27-101-103 after January 1,

1 2010, until he or she renews the driver's license or identification card and  
2 obtains a boating endorsement.

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

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

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9 /s/ Saunders  
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