

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1455

4 By: Representatives Mullenix, Stewart, B. Wood, Hinshaw, McJunkin, Purdom,
5 Allen, Lynn, T. Smith, and Wallis

6
7

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH THE MINIMUM AGE FOR OPERATION OF A
10 MOTORBOAT AND PERSONAL WATERCRAFT; AND FOR OTHER
11 PURPOSES."

12
13

Subtitle

14 "AN ACT TO ESTABLISH THE MINIMUM AGE FOR
15 OPERATION OF A MOTORBOAT AND PERSONAL
16 WATERCRAFT."

17
18

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

19

20 *SECTION 1. Arkansas Code § 27-101-201 is amended by adding a new*
21 *subsection (d) to the end thereof to read as follows:*

22 *"(d) A lessor of a vessel shall not be liable for injury or damages*
23 *caused by a lessee unless such injury or damage is the result of the gross*
24 *negligence or willful misconduct of the lessor."*

25

26 *SECTION 2. Arkansas Code §27-101-202 is amended to read as follows:*

27 *"27-101-202. Restrictions on manner of operation.*

28 *No person:*

29 *(1) Shall operate any motorboat or vessel or manipulate any water*
30 *skis, aquaplane, or similar device in a reckless or negligent manner that*
31 *endangers the life, limb, or property of any person;*

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;*

35 *(3) Shall operate a motorboat upon the waters of this state within one*

1 hundred feet (100') of a designated recreation area, dock, pier, raft, float,
2 anchored boat, dam, intake structure, or other obstruction at a speed
3 exceeding five (5) miles per hour unless a contrary speed limit shall have
4 been established in the designated area. However, in no case shall any motor
5 boat be driven in a manner or at a speed that exceeds the safe and reasonable
6 limits under the existing circumstances;

7 (4) Shall operate or manipulate any vessel, tow rope, or other device
8 by which the direction or location of water skis, an aquaplane, or similar
9 device may be affected or controlled in a way that causes the water skis,
10 aquaplane, or similar device, or any person thereon, to collide with or
11 strike against any object or persons;

12 (5) Shall operate a vessel on any waters of this state for towing a
13 person or persons on water skis, or an aquaplane or similar device, unless
14 there is in the vessel a person, in addition to the operator, in a position
15 to observe the progress of the person or persons being towed. However, if the
16 towing boat is equipped with a wide-angle marine rear-view mirror in a
17 position to observe the skiers being towed, the above requirement shall not
18 apply;

19 (6) Shall operate a vessel on any waters of this state towing a person
20 on water skis or an aquaplane or similar device; nor shall any person engage
21 in waterskiing, aquaplaning, or similar activity at any time between the
22 hours from one-half (1\2) hour after sunset to one-half (1\2) hour before
23 sunrise. However, the provisions of this subdivision do not apply to night
24 waterskiing or aquaplaning on controlled areas designated for those purposes
25 where adequate lighting is provided;

26 (7) Shall operate any motorboat or vessel or manipulate any water
27 skis, aquaplane, or similar device while intoxicated or under the influence
28 of any narcotic drug, barbiturate, or marijuana or while under any physical
29 or mental disability so as to be incapable of operating the motorboat or
30 vessel safely under the prevailing circumstances;

31 (8) Shall load any vessel used on the waters of this state with
32 passengers or cargo beyond its safe carrying capacity, taking into
33 consideration weather and other existing operating conditions;

34 (9) If operating a motorboat of twenty-six feet (26') or less in
35 length, shall allow any person to ride or sit on the gunwales or on the

1 decking over the bow of the vessel while underway unless the vessel is
2 equipped with adequate guards or railing to prevent passengers from being
3 lost overboard. However, this restriction shall not apply to persons
4 occupying the gunwales or the decking over the bow for necessary purposes
5 such as mooring or casting off;

6 (10) If owning or having control of a motorboat of ten horsepower (10
7 HP) or more, shall permit a person under twelve (12) years old to operate the
8 motorboat of ten horsepower (10 HP) or more. However, a person born on or
9 after January 1, 1985, in order to operate a motorboat or personal watercraft
10 in excess of ten horsepower (10 HP) on or after *July 1, 1997*, must have
11 successfully completed a state approved boating safety course and having in
12 his or her possession, while operating such motorboat, evidence of completion
13 *of the boating safety course. Nonresidents at least twelve (12) years of age*
14 *whose state does not require boater safety certification shall be exempt from*
15 *the requirements of this section for three (3) cumulative operation periods*
16 *of not more than fifteen (15) days.*

17

18 SECTION 3. *Effective July 1, 1997, Arkansas Code §27-101-104 is*
19 *amended by adding a new subsection (d) to read as follows:*

20 "(d)(1) For first offense, any person who violates §27-101-202(10)
21 shall be guilty of a misdemeanor and shall be subject to a fine of not less
22 than one hundred dollars (\$100) and not to exceed two hundred fifty dollars
23 (\$250) or imprisonment not to exceed six (6) months, or both fine and
24 imprisonment.

25 (2) For a second offense, any person who violates § 27-101-202-
26 (10) shall be guilty of a misdemeanor and shall be subject to a fine of not
27 less than one hundred fifty dollars (\$150) and not to exceed three hundred
28 dollars (\$300) or imprisonment not to exceed six (6) months, or both fine and
29 imprisonment.

30 (3) For a third offense, any person who violates § 27-101-202-
31 (10) shall be guilty of a misdemeanor and shall be subject to a fine of not
32 less than two hundred dollars (\$200) and not to exceed five hundred dollars
33 (\$500) or imprisonment not to exceed six (6) months, or both fine and
34 imprisonment."

35

1 SECTION 4. All provisions of this act of a general and permanent
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
3 Code Revision Commission shall incorporate the same in the Code.

4
5 SECTION 5. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

10

11 SECTION 6. All laws and parts of laws in conflict with this act are
12 hereby repealed.

13

14

/s/Rep. Mullenix, et al

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2

3

4