

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/5/97 S3/19/97 S4/3/97 S4/4/97 S4/4/97

## A Bill

HOUSE BILL 1537

5 By: Representatives Molinaro, Bryant, Dietz, Faris, Flanagan, Ingram, Lynn, Rodgers, Stalnaker, Wallis, Willems, and Wren  
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### For An Act To Be Entitled

9 "AN ACT TO REQUIRE MOTORBOAT OF MORE THAN *FIFTY* HORSEPOWER  
10 OR A *PERSONAL WATERCRAFT* TO HAVE LIABILITY INSURANCE; AND  
11 FOR OTHER PURPOSES."  
12

### Subtitle

14 "TO REQUIRE A MOTORBOAT OF MORE THAN  
15 *FIFTY* HORSEPOWER OR A *PERSONAL*  
16 *WATERCRAFT* TO HAVE LIABILITY INSURANCE"  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. (a)(1) It shall be unlawful for any person to operate a  
21 motorboat of more than fifty horsepower (50 HP) or a personal watercraft  
22 unless the motorboat or the personal watercraft is covered by a liability  
23 insurance policy issued by an insurance company authorized to do business in  
24 this state.

25 (2) Failure to present proof of liability insurance coverage when  
26 requested by a law enforcement officer creates a rebuttable presumption that  
27 the motorboat or the personal watercraft is uninsured.

28 (b) The policy shall provide, as a minimum, fifty thousand dollars  
29 (\$50,000) of liability coverage per occurrence.  
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31 SECTION 2. (a) Except as provided in subsection (b) of this section,  
32 any person who operates a motorboat of more than fifty horsepower (50 HP) or a  
33 personal watercraft within this state in violation of this act shall be  
34 subject to a mandatory fine of not less than fifty dollars (\$50.00) nor more  
35 than two hundred fifty dollars (\$250).

36 (b)(1) Any person who operates a motorboat of more than fifty

1 horsepower (50 HP) or a personal watercraft in violation of this act shall be  
2 fined not less than two hundred fifty dollars (\$250) nor more than five  
3 hundred dollars (\$500) for the second offense, and the minimum fine shall be  
4 mandatory.

5           (2) Any person who operates a motorboat of more than fifty  
6 horsepower (50 HP) or a personal watercraft in violation of this act shall be  
7 fined not less than five hundred dollars (\$500) nor more than one thousand  
8 dollars (\$1,000) or sentenced to one (1) year in jail, or both, for the third  
9 offense.

10           (3) Upon a showing that liability coverage required by this act  
11 was in effect at the time of arrest, the judge may dismiss the charge imposed  
12 under this act, and the penalties shall not be imposed.

13           (c) All fines collected under this act shall be deposited as special  
14 revenues in the State Treasury and credited to the Boating Safety Account to  
15 be used by the Arkansas State Game and Fish Commission for the purpose of  
16 establishing, maintaining, and operating a program of boater training and  
17 boater safety throughout the state.

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19           SECTION 3. Commercial motorboat and personal watercraft rental  
20 operations shall be required to provide liability insurance in the amount of  
21 at least fifty thousand dollars (\$50,000), including property damage coverage,  
22 for motorboats with more than fifty horsepower (50 HP) or for personal  
23 watercrafts rented from the commercial rental operations, unless the person  
24 who rents the motorboat or personal watercraft from the commercial operation  
25 provides proof of sufficient liability insurance coverage to operate a  
26 motorboat or personal watercraft.

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28           SECTION 4. When the operator of any motorboat of more than fifty  
29 horsepower (50 HP) or the operator of any personal watercraft is involved in  
30 an accident on the waters of this state and the vessel is found not to be  
31 insured as required by this act, the owner of the motorboat or personal  
32 watercraft shall be deemed guilty of a Class A misdemeanor.

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34           SECTION 5. Arkansas Code Annotated § 27-101-304 is amended to read as  
35 follows:

36           "27-101-304. Filing of application - Issuance of certificate.

1 (a) The owner of each motorboat for which numbering is required by this  
2 state shall file an application for a number within twenty (20) working days  
3 after the date of purchase with the Director of the Department of Finance and  
4 Administration on forms approved by the Arkansas State Game and Fish  
5 Commission.

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

11 (c) Upon receipt of the application in approved form, accompanied by  
12 proof that the motorboat has been duly assessed or listed for assessment and,  
13 if it is equipped with more than fifty horsepower (50HP) or is a personal  
14 watercraft, is covered by a liability insurance policy issued by an insurance  
15 company authorized to do business in this state, the Director of the  
16 Department of Finance and Administration shall enter the application upon the  
17 records of his office and issue to the applicant a certificate of number  
18 stating the number awarded to the motorboat and the name and address of the  
19 owner.

20 (d) The certificate of number shall be issued in triplicate, with the  
21 original copy to be furnished the owner of the motorboat. The duplicate shall  
22 be retained as a record by the Director of the Department of Finance and  
23 Administration. The triplicate copy shall be furnished to the Arkansas State  
24 Game and Fish Commission to be retained for a period of five (5) years. In the  
25 event that an agency of the United States Government shall have in force in  
26 the United States an over-all system of identification numbering for boats  
27 covered by this chapter, then the numbering system required by this subchapter  
28 and the Arkansas State Game and Fish Commission shall be in conformity  
29 therewith.

30 (e) The certificate of number shall be pocket-size and shall be  
31 available at all times for inspection on the motorboat for which issued,  
32 whenever the motorboat is in operation."  
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34 SECTION 6. Subsection (g) of Arkansas Code § 27-101-306, regarding the  
35 renewal of certificates of numbers for motorboats; is amended to read as  
36 follows:

1       "(g) Certificates of number may be renewed by the owner in the same  
2 manner provided in this section for initially securing the certificate and  
3 upon payment of the fee as set forth in this section, except the certificate  
4 of a motorboat, if it equipped with more than fifty horsepower (50 HP) or is a  
5 personal watercraft, shall not be renewed unless proof is presented that it is  
6 covered by a liability insurance policy issued by an insurance company  
7 authorized to do business in this state."

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9       SECTION 7. All provisions of this act of a general and permanent nature  
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
11 Revision Commission shall incorporate the same in the Code.

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13       SECTION 8. If any provision of this act or the application thereof to  
14 any person or circumstance is held invalid, such invalidity shall not affect  
15 other provisions or applications of the act which can be given effect without  
16 the invalid provision or application, and to this end the provisions of this  
17 act are declared to be severable.

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19       SECTION 9. All laws and parts of laws in conflict with this act are  
20 hereby repealed.

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/s/Rep. Molinaro et al

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