

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

# A Bill

HOUSE BILL 1538

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 THE ARKANSAS STATE GAME AND FISH  
10 COMMISSION TO ESTABLISH AND OPERATE A BOATER SAFETY AND  
11 TRAINING PROGRAM IN THIS STATE; AND FOR OTHER PURPOSES."

### Subtitle

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14 "TO REQUIRE THE ARKANSAS STATE GAME AND  
15 FISH COMMISSION TO ESTABLISH AND OPERATE  
16 A BOATER SAFETY AND TRAINING PROGRAM IN  
17 THIS STATE"  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. (a) The General Assembly finds and determines that:

22 (1) The regulation of boating and boaters in the state is the  
23 primary responsibility of the Arkansas State Game and Fish Commission under  
24 Arkansas Constitution, Amendment 35;

25 (2) Most boating accidents in the state are due primarily to the  
26 lack of training or the improper training of boaters;

27 (3) The establishment of a boater training and safety program in  
28 this state would greatly improve and facilitate boater safety in this state;  
29 and

30 (4) It is the purpose and intent of this section to authorize the  
31 Arkansas State Game and Fish Commission to establish and operate a boater  
32 safety and training program in this state.

33 (b) The Arkansas State Game and Fish Commission is authorized and  
34 encouraged to establish, maintain, and operate a program of boater training  
35 and boater safety in this state. The program shall include, but not be limited  
36 to, a course of instruction designed to teach the safe and proper handling of

1 boats and any other related matters as shall be deemed appropriate by the  
2 Commission. The course of instruction may be offered in cooperation with  
3 schools, private clubs and organizations, and may be offered by the Commission  
4 in areas where requested and where other sponsorship is unavailable. The  
5 Commission shall also prepare and disseminate information on water safety to  
6 the public, including informational pamphlets, which shall be made available  
7 at popular tourist locations.

8 (c) The Commission may adopt and enforce rules and regulations it shall  
9 deem appropriate and necessary to properly carry out the purposes and intent  
10 of this act.

11 (d)(1) Effective January 1, 2001, all Arkansas residents born on or  
12 after January 1, 1986 and of legal age to operate a motorboat must have  
13 successfully completed an approved Arkansas Game and Fish Commission safe  
14 boating course or completed questionnaire to obtain a temporary boater  
15 education certificate under subsection (d)(4) of this section in order to  
16 operate a motorboat in Arkansas.

17 (2) The Commission shall issue certificates and furnish a copy  
18 of the state laws pertaining to the operation of boats or informational  
19 material based on these laws to persons successfully completing an approved  
20 safe boating course.

21 (3) Valid boating education certificates issued by other states  
22 to non-residents shall be honored by this state if the boating education  
23 course is approved by the National Association of State Boating Law  
24 Administrators.

25 (4) Prior to operating a motorboat on the waters of this state, a  
26 non-resident or resident born on or after January 1, 1986 and of legal age to  
27 operate a motorboat may obtain a temporary boater education certificate, which  
28 shall be valid for thirty (30) days, by completing a questionnaire developed  
29 by the Commission.

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

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35 SECTION 3. If any provision of this act or the application thereof to  
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without  
2 the invalid provision or application, and to this end the provisions of this  
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are  
6 hereby repealed.

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*/s/Rep. Molinaro, et al*

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