

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: H2/22/99 H2/24/99 H2/26/99 H3/1/99 S3/11/99*

2 82nd General Assembly

# A Bill

3 Regular Session, 1999

HOUSE BILL 1537

4

5 By: Representatives Dees, *Davis, Gillespie, Green, Gullett, Hathorn, House, Jacobs, G. Jeffress,*  
6 *Judy, Oglesby, Prater, Scrimshire, M. Smith, Shoffner, M. Steele*

7 By: Senator Scott

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## For An Act To Be Entitled

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11

"AN ACT TO REGULATE THE OPERATION OF PERSONAL  
12 WATERCRAFT; AND FOR OTHER PURPOSES."

13

14

## Subtitle

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16

"TO REGULATE THE OPERATION OF PERSONAL  
17 WATERCRAFT."

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

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SECTION 1. Definitions. As used in this act:

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"Personal watercraft" shall mean a vessel, less than sixteen (16) feet,  
23 propelled by a water-jet pump or other machinery as its primary source of  
24 motor propulsion which is designed to be operated by a person sitting,  
25 standing or kneeling on, rather than being operated by a person sitting or  
26 standing inside the vessel.

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SECTION 2. Regulation of personal watercraft.

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(a) No person shall operate a personal watercraft unless each person  
30 aboard is wearing a type I, type II, type III, or type V personal flotation  
31 device approved by the United States Coast Guard, provided no person aboard a  
32 personal watercraft shall use an inflatable personal flotation device to meet  
33 the personal flotation device requirement of this subsection.

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(b) A person operating a personal watercraft equipped by the  
35 manufacturer with a lanyard type engine cutoff switch shall attach such  
36 lanyard to his person, clothing, or personal flotation device as appropriate

1 for the specific vessel.

2 (c) No person shall operate a personal watercraft at any time between  
3 thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

4 (d) No person under fourteen (14) years of age shall operate a personal  
5 watercraft on the waters of this state, except:

6 (1) A person at least twelve (12) years of age may operate a  
7 personal watercraft if a person at least eighteen (18) years of age is aboard  
8 the vessel; or

9 (2) A person under twelve (12) years of age may operate a  
10 personal watercraft if a person at least twenty-one (21) years of age is  
11 aboard the vessel and in a position to take immediate control of the vessel.

12 (e) Every personal watercraft shall at all times be operated in a  
13 reasonable and prudent manner. No person shall operate a personal watercraft  
14 in an unsafe or reckless manner. Unsafe personal watercraft operation shall  
15 include, but not be limited to the following:

16 (i) Becoming airborne or completely leaving the water while  
17 crossing the wake of another vessel within one hundred (100) feet of the  
18 vessel creating the wake.

19 (ii) Weaving through congested traffic.

20 (iii) Operating at greater than slow no wake speed within one  
21 hundred (100) feet of an anchored or moored vessel, shoreline, dock, pier,  
22 swim float, marked swim area, swimmer, surfer, person engaged in angling or  
23 any manually propelled vessel.

24 (iv) Operating contrary to the "Rules of the Road" or following  
25 too close to another vessel, including another personal watercraft. For the  
26 purposes of this section, following too close shall be construed as proceeding  
27 in the same direction and operating at a speed in excess of ten (10) miles per  
28 hour when approaching within one hundred (100) feet to the rear or fifty (50)  
29 feet to the side of another motorboat or sailboat which is underway unless  
30 such vessel is operating in a channel too narrow to keep the required  
31 distance, in which case a personal watercraft may be operated at a speed which  
32 is reasonable and prudent for the existing conditions.

33 (f) No person who owns a personal watercraft or who has charge over or  
34 control of a personal watercraft shall authorize or knowingly permit the  
35 personal watercraft to be operated in violation of this act.

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1           SECTION 3. Exemptions.

2           (a) The provisions of Section 2 shall not apply to a person  
3 participating in an officially sanctioned regatta, race, marine parade,  
4 tournament, or exhibition.

5           (b) Law enforcement officers and emergency response personnel engaged  
6 in the performance of their duties shall be exempt from the provisions of this  
7 act.

8           (c) The provisions of subsection (a) of section 5 of this act shall not  
9 apply to the State of Arkansas, including state agencies, boards and  
10 commissions, nor its political subdivisions such as counties and  
11 municipalities; however the remaining provisions of this act, including  
12 subsections (b) through (f) of section 5, shall apply.

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14           SECTION 4. Towing water skiers.

15           (a) No person shall operate a personal watercraft towing another person  
16 on water-skis or other device, unless the personal watercraft has, on board,  
17 in addition to the operator, an observer who shall monitor the progress of the  
18 person being towed.

19           (b) No person shall operate a personal watercraft towing another person  
20 on water-skis or other device unless the total number of persons operating,  
21 observing, and being towed does not exceed the specified number of passengers  
22 as identified by the manufacturer as the maximum safe load for the vessel.

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24           SECTION 5. Regulation of personal watercraft liveries.

25           (a) A personal watercraft livery shall carry liability insurance in an  
26 amount of not less than five hundred thousand dollars (\$500,000).

27           (b) Operators of rental personal watercraft shall be required by livery  
28 operators to view a personal watercraft instructional video approved by the  
29 Arkansas State Game and Fish Commission Boating Safety Office.

30           (c) A personal watercraft livery shall provide for the operator of  
31 rental personal watercraft in print, prior to rental, the boating regulations  
32 peculiar to the area of rental, including, but not limited to, no-entry zones,  
33 no-wake zones, channel routes and water hazards, and tidal flow (where  
34 applicable).

35           (d) A personal watercraft livery shall provide the operators of rental  
36 personal watercraft with all equipment required under state law.

1       (e) A personal watercraft livery may not enter into a lease for rental  
2 agreement for a personal watercraft with any person under eighteen (18) years  
3 of age.

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5       SECTION 6. The provisions of this act shall be supplemental and in  
6 addition to any other laws and regulations relating to boats or other  
7 watercraft.

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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. Penalties. Each violation of this act shall be punishable  
14 by a fine not less than fifty dollars (\$50.00) nor more than one hundred  
15 dollars (\$100) except that the fine for violating subsection (e) of section 2  
16 shall be no less than one hundred dollars (\$100) nor more than two hundred and  
17 fifty dollars (\$250).

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19       SECTION 9. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

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25       SECTION 10. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

27   /s/ Dees  
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