

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
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: S2/9/99 S2/15/99 S2/17/99

A Bill

SENATE BILL 238

4
5 By: Senator Webb
6 By: Representative Ferrell

For An Act To Be Entitled

7
8
9
10 "AN ACT TO REQUIRE MOTORBOATS OF MORE THAN FIFTY
11 HORSEPOWER, OR PERSONAL WATERCRAFT, TO HAVE LIABILITY
12 INSURANCE; AND FOR OTHER PURPOSES."

Subtitle

13
14
15 "TO REQUIRE MOTORBOATS OF MORE THAN FIFTY
16 HORSEPOWER, OR PERSONAL WATERCRAFT, TO
17 HAVE LIABILITY INSURANCE."

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. (a)(1) It shall be unlawful for the owner of a motorboat of
23 more than fifty horsepower (50 HP) or a personal watercraft to allow the
24 operation of the motorboat or personal watercraft, unless it is covered by a
25 liability insurance policy which has been issued by an insurance company
26 authorized to do business in this state. The insurance policy must provide at
27 least fifty thousand dollars (\$50,000) of liability coverage per occurrence.

28 (2) This section shall not apply to:

29 (A) A motorboat or personal watercraft owned by the United
30 States, a state government, or any political subdivision thereof; or

31 (B) A motorboat or personal watercraft registered in
32 another state.

33 (b) Failure to present proof of liability insurance coverage when
34 requested by a law enforcement officer creates a rebuttable presumption that
35 the motorboat or the personal watercraft is uninsured. For the purposes of
36 this act, "proof of insurance" shall consist of a policy declaration page or

VJF269

0127991021.VJF269

1 other documentation which reflects the motorboat or personal watercraft
2 coverage.

3 (c)(1) For a first violation of subsection (a), the penalty shall be a
4 mandatory fine of not less than fifty dollars (\$50) nor more than two hundred
5 fifty dollars (\$250).

6 (2) For a second offense, the penalty shall be a fine of not less
7 than two hundred fifty dollars (\$250) nor more than five hundred dollars
8 (\$500) for the second offense, and the minimum fine shall be mandatory.

9 (3) For a third or subsequent offense, the penalty shall be a
10 mandatory fine of not less than five hundred dollars (\$500) nor more than one
11 thousand dollars (\$1,000) or sentenced for up to one (1) year in jail, or
12 both.

13 (4) However, if the operator of the motorboat or personal
14 watercraft, is involved in an accident on the waters of this state and the
15 motorboat or personal watercraft was not insured as required by this act, the
16 owner of the motorboat or personal watercraft shall be deemed guilty of a
17 Class A misdemeanor.

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

21 (e) All fines collected under this section shall be deposited as
22 special revenues in the State Treasury and credited to the Boating Safety
23 Account, and then distributed by the Treasurer of State to the Game Protection
24 Fund to be used by the Arkansas State Game and Fish Commission for the purpose
25 of establishing, maintaining, and operating a program of boater training and
26 boater safety throughout the state.

27
28 SECTION 2. Arkansas Code Annotated § 27-101-304 is amended to read as
29 follows:

30 "27-101-304. Filing of application - Issuance of certificate.

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

36 (b) The application shall be signed by the owner of the motorboat and

1 shall be accompanied by a fee as provided in § 27-101-306 and by proof that
2 the motorboat, if it is equipped with more than fifty horsepower (50 HP), or
3 personal watercraft, is covered by a liability insurance policy issued by an
4 insurance company authorized to do business in this state.

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

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

24 (e) The certificate of number shall be pocket-size and shall be
25 available at all times for inspection on the motorboat for which issued,
26 whenever the motorboat is in operation."
27

28 SECTION 3. Subsection (g) of Arkansas Code § 27-101-306, regarding the
29 renewal of certificates of numbers for motorboats, is amended to read as
30 follows:

31 "(g) Certificates of number may be renewed by the owner in the same
32 manner provided in this section for initially securing the certificate and
33 upon payment of the fee as set forth in this section, except the certificate
34 of a motorboat, if it is equipped with more than fifty horsepower (50 HP) or
35 is personal watercraft, shall not be renewed unless proof is presented that it
36 is covered by a liability insurance policy issued by an insurance company

1 authorized to do business in this state."

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

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

12
13 SECTION 6. All laws and parts of laws in conflict with this Act are
14 hereby repealed.

15 /s/ Webb
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36