

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
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5 By: Senator T. Smith
6
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A Bill

SENATE BILL 390

For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT AN OWNER OF A BOAT SHALL
10 NOT BE STRICTLY LIABLE TO A RENTER OR LESSEE OF
11 THE BOAT FOR INJURIES CAUSED BY NEGLIGENT
12 OPERATION OF THE BOAT BY THE RENTER OR LESSEE;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO PROVIDE THAT AN OWNER OF A
16 BOAT SHALL NOT BE STRICTLY LIABLE TO A
17 RENTER OR LESSEE OF THE BOAT FOR
18 INJURIES CAUSED BY NEGLIGENT OPERATION
19 OF THE BOAT BY THE RENTER OR LESSEE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 27-101-201 is amended to read as follows:

26 27-101-201. Liability of owner, renter, or lessee of vessel for injury
27 or damage.

28 (a) The owner, renter, or lessee of a vessel shall be liable for any
29 injury or damage occasioned by the negligent operation of the vessel, whether
30 negligence consists of violating the provisions of the statutes of this state
31 or neglecting to observe such ordinary care and such operation as the rules
32 of the common law require.

33 (b)(1) The owner shall not be liable, however, unless the vessel is
34 being used with his express or implied consent.

35 (2)(A) The owner shall not be strictly liable to a renter or
36 lessee for any injury or damage occasioned by the negligent operation of the



1 vessel by the renter or lessee.

2 (B) The liability of the owner for injury or damage
3 suffered by a renter or lessee shall be determined by comparing the fault of
4 the owner and the fault of the renter or lessee in accordance with §§ 16-55-
5 216 and 16-64-122.

6 (c) It shall be presumed that the vessel is being operated with the
7 knowledge and consent of the owner if, at the time of the injury or damage,
8 it is under the control of his or her spouse, father, mother, brother,
9 sister, son, daughter, or other immediate member of the owner's family.

10 (d) Nothing contained herein shall be construed to relieve any other
11 person from any liability which he would otherwise have, but nothing
12 contained herein shall be construed to authorize or permit any recovery in
13 excess of injury or damage actually incurred.

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