

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

As Engrossed: S2/24/05

# A Bill

SENATE BILL 390

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5 By: Senator T. Smith  
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## 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, OPERATOR, OR*  
11 *LESSEE OF THE BOAT FOR INJURIES CAUSED BY*  
12 *NEGLIGENT OPERATION OF THE BOAT BY THE RENTER,*  
13 *OPERATOR, OR LESSEE; AND FOR OTHER PURPOSES.*  
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## Subtitle

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

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

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

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

36 *(2)(A) The owner shall not be strictly liable to a renter,*



1 operator, or lessee for any injury or damage occasioned by the negligent  
2 operation of the vessel by the renter, operator, or lessee.

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

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

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

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16 /s/ T. Smith  
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