

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/15/13

A Bill

HOUSE BILL 1779

5 By: Representative Holcomb
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For An Act To Be Entitled

8 AN ACT TO PERMIT THE ELECTRONIC DISPLAY OF PROOF OF
9 WATERCRAFT LIABILITY INSURANCE COVERAGE FOR PROOF OF
10 INSURANCE AND REGISTRATION PURPOSES; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO PERMIT THE ELECTRONIC DISPLAY OF PROOF
15 OF WATERCRAFT LIABILITY INSURANCE
16 COVERAGE FOR PROOF OF INSURANCE AND
17 REGISTRATION PURPOSES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 27-101-207(b)(1)(A), concerning liability
24 insurance required for watercraft, is amended to read as follows:

25 (b)(1)(A) If the motorboat or personal watercraft is involved in an
26 accident, Failure failure to present proof of ~~liability~~ insurance coverage
27 required by subdivision (a)(1) of this section if the motorboat or personal
28 ~~watercraft is involved in an accident~~ creates a rebuttable presumption that
29 the motorboat or the personal watercraft is uninsured.

30 (B)(i) For ~~the~~ purposes of this section, “proof of
31 insurance” shall consist of a policy declaration page or other documentation,
32 or a copy of a policy declaration page or other documentation in an
33 acceptable electronic format, which that reflects the motorboat or personal
34 watercraft coverage furnished to the insured by the insurance company ~~which~~
35 and can be conveniently carried in the motorboat or personal watercraft.

36 (ii) Insurance companies shall not be required to



1 provide proof of insurance ~~which~~ that may be conveniently carried as
2 required in subdivision (b)(1)(B)(i) of this section if the insurance
3 coverage is provided as part of a homeowner's insurance policy.

4 (iii) As used in this section, "acceptable
5 electronic format" means an electronic image produced on the person's own
6 cellular phone or other type of portable electronic device that displays all
7 the information in the policy declaration or other documentation as clearly
8 as the paper policy declaration or other documentation.

9 (iv) The presentment of proof of insurance in an
10 acceptable electronic format does not:

11 (a) Authorize a search of any other content of
12 an electronic device without a search warrant or probable cause; or

13 (b) Expand or restrict the authority of a law
14 enforcement officer to conduct a search or investigation.

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16 SECTION 2. Arkansas Code § 27-101-304(b) and (c), concerning motorboat
17 registration and numbering, are amended to read as follows:

18 (b) The application shall be signed by the owner of the motorboat and
19 shall be accompanied by a fee as provided in § 27-101-306 and by proof of
20 insurance establishing that the motorboat, if it is equipped with more than
21 fifty horsepower (50 HP), or personal watercraft is covered by a liability
22 insurance policy issued by an insurance company authorized to do business in
23 this state.

24 (c)(1) Upon receipt of the application in approved form, accompanied
25 by proof that the motorboat has been ~~duly~~ assessed or listed for assessment
26 and, if it is equipped with more than fifty horsepower (50 HP) or is personal
27 watercraft, is covered by a liability insurance policy issued by an insurance
28 company authorized to do business in this state, the director shall enter the
29 application upon the records of his or her office and issue to the applicant
30 a certificate of number stating the number awarded to the motorboat and the
31 name and address of the owner.

32 (2)(A) For the purposes of this section, "proof of insurance"
33 shall consist of a policy declaration page or other documentation, or a copy
34 of a policy declaration page or other documentation in an acceptable
35 electronic format, that reflects the motorboat or personal watercraft
36 coverage furnished to the insured by the insurance company which can be

1 conveniently carried in the motorboat or personal watercraft.

2 (B) Insurance companies shall not be required to provide
3 proof of insurance that may be conveniently carried as required in
4 subdivision (c)(2)(A) of this section if the insurance coverage is provided
5 as part of a homeowner's insurance policy.

6 (C) As used in this section, "acceptable electronic
7 format" means an electronic image produced on the person's own cellular phone
8 or other type of portable electronic device that displays all of the
9 information in the policy declaration or other documentation as clearly as
10 the paper policy declaration or other documentation.

11 (D) The presentment of proof of insurance in an acceptable
12 electronic format does not:

13 (i) Authorize a search of any other content of an
14 electronic device without a search warrant or probable cause; or

15 (ii) Expand or restrict the authority of a law
16 enforcement officer to conduct a search or investigation.

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