

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1447

5 By: Representative Cozart  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS TO CLARIFY THE TYPE OF  
9 FLOTATION DEVICES THAT SHALL BE ABOARD A VESSEL; TO  
10 REQUIRE FIRE EXTINGUISHERS TO BE ABOARD CERTAIN  
11 VESSELS; TO REQUIRE NOTIFICATION TO THE ARKANSAS  
12 STATE GAME AND FISH COMMISSION OF CERTAIN ACCIDENTS  
13 INVOLVING VESSELS; TO AMEND THE LAW CONCERNING HULL  
14 IDENTIFICATION NUMBERS; AND FOR OTHER PURPOSES.  
15

## Subtitle

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17  
18 TO AMEND THE LAWS CONCERNING FLOTATION  
19 DEVICES AND FIRE EXTINGUISHERS ABOARD  
20 VESSELS; TO REQUIRE NOTIFICATION OF  
21 CERTAIN ACCIDENTS INVOLVING VESSELS; AND  
22 TO AMEND THE LAW CONCERNING HULL  
23 IDENTIFICATION NUMBERS.  
24

25  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code § 27-101-203(a)(1), concerning equipment  
29 requirements for vessels, is amended to read as follows:

30 (a)(1) Every vessel shall have aboard:

31 (A) One (1) ~~type I, II, III, or V, if used~~ United States  
32 Coast Guard-approved wearable personal flotation device that is:

33 (i) Used according to its approved conditions;i

34 ~~(ii) personal flotation device which is United~~  
35 ~~States Coast Guard-approved, in~~ In good and serviceable condition;i and

36 ~~(iii) of~~ Of proper size for each person on board;



1 (B) A vessel twenty-six feet (26') or over shall have a  
 2 United States Coast Guard-approved and charged fire extinguisher on board;

3 (C) A motorboat under twenty-six feet (26') shall have a  
 4 U.S. Coast Guard-approved and charged fire extinguisher on board if the  
 5 motorboat has:

6 (i) Permanently installed fuel tanks;

7 (ii) Closed compartments under a thwart and seat  
 8 where portable fuel tanks may be stored;

9 (iii) A double-bottom not sealed to the hull or not  
 10 completely filled with flotation material;

11 (iv) Enclosed living spaces; or

12 (v) Closed stowage compartments where combustible or  
 13 flammable materials may be stowed;

14 (D) If carrying or using any inflammable or toxic fluid in  
 15 any enclosure for any purpose, and if not an entirely open motorboat, an  
 16 efficient natural or mechanical ventilation system which shall be capable of  
 17 removing resulting gases prior to and during the time the motorboat is  
 18 occupied by any person;

19 ~~(C)~~(E) Additional equipment designed to promote the safety  
 20 of navigation and of persons that the Arkansas State Game and Fish Commission  
 21 may find to be appropriate and for which it has provided in its rules and  
 22 regulations. However, before making those rules and regulations, or changes  
 23 or additions thereto, the Arkansas State Game and Fish Commission shall hold  
 24 public hearings, after reasonable notice thereof, of any proposed rule or  
 25 regulation to be adopted; and

26 ~~(D)~~(F) In addition, every vessel sixteen feet (16') and  
 27 longer shall have aboard one (1) ~~type IV~~ United States Coast Guard-approved  
 28 throwable personal flotation device.

30 SECTION 2. Arkansas Code § 27-101-205(b), concerning collisions or  
 31 accidents by vessels, is amended to read as follows:

32 (b) In the case of collision, accident, or other casualty involving a  
 33 vessel, if the collision, accident, or other casualty results in death or  
 34 injury to a person or damage to property in excess of ~~five hundred dollars~~  
 35 ~~(\$500)~~ two thousand dollars (\$2,000) or the disappearance of a person from a  
 36 vessel under circumstances that indicate death or injury, the Arkansas State

1 Game and Fish Commission or local sheriff's department having an established  
2 water patrol shall be immediately notified in order for an investigation to  
3 be conducted. In addition, the operator of the vessel shall submit a  
4 Department of Homeland Security, United States Coast Guard Form CG-3865 to  
5 the Arkansas State Game and Fish Commission Boating Safety Office within ten  
6 (10) working days.

7  
8 SECTION 3. Arkansas Code § 27-101-304 is amended to read as follows:  
9 27-101-304. Filing of application – Issuance of certificate.

10 (a) The owner of each motorboat for which numbering is required by  
11 this state shall file an application for a number within thirty (30) calendar  
12 days after the date of purchase with the Director of the Department of  
13 Finance and Administration on forms approved by the Arkansas State Game and  
14 Fish Commission.

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

21 (c)(1) On and after January 1, 2017, the Department of Finance and  
22 Administration shall not issue, renew, or update ownership information for a  
23 certificate of number relating to a motorboat imported or manufactured on or  
24 after November 1, 1972, until the department determines whether the motorboat  
25 has a primary hull identification number meeting the requirements of 33  
26 C.F.R. Part 181, Subpart C, as in effect on January 1, 2017.

27 (2) Verification of the hull identification number may include  
28 without limitation a submission of a clear and legible photograph or pencil  
29 rubbing of the hull identification number.

30 (d) Upon determination by the department that the motorboat does not  
31 have a hull identification number as required by subsection (c) of this  
32 section, the department shall refer the owner of the motorboat to the Boating  
33 Law Administrator of the Arkansas State Game and Fish Commission to:

34 (1) Assign a primary hull identification number; and

35 (2) Verify that the owner permanently affixes the hull  
36 identification number to the motorboat in compliance with 33 C.F.R. Part 181,

1 Subpart C, as in effect on January 1, 2017.

2 ~~(e)(1)~~(e)(1) Upon receipt of the application in approved form,  
3 accompanied by proof that the motorboat has been assessed or listed for  
4 assessment and, if it is equipped with more than fifty horsepower (50 hp) or  
5 is personal watercraft, is covered by a liability insurance policy issued by  
6 an insurance company authorized to do business in this state, the director  
7 shall enter the application upon the records of his or her office and issue  
8 to the applicant a certificate of number stating the number awarded to the  
9 motorboat and the name and address of the owner.

10 (2)(A) For the purposes of this section, "proof of insurance"  
11 shall consist of a policy declaration page or other documentation, or a copy  
12 of a policy declaration page or other documentation in an acceptable  
13 electronic format, that reflects the motorboat or personal watercraft  
14 coverage furnished to the insured by the insurance company which can be  
15 conveniently carried in the motorboat or personal watercraft.

16 (B) Insurance companies shall not be required to provide  
17 proof of insurance that may be conveniently carried as required in  
18 subdivision ~~(e)(2)(A)~~ (e)(2)(A) of this section if the insurance coverage is  
19 provided as part of a homeowner's insurance policy.

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

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

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

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

31 ~~(d)(1)~~(f)(1) The certificate of number shall be issued in triplicate  
32 with the original copy to be furnished the owner of the motorboat.

33 (2) The duplicate shall be retained as a record by the director.

34 (3) The triplicate copy shall be furnished to the commission to  
35 be retained for a period of five (5) years.

36 ~~(e)(1)~~(g)(1) The certificate of number shall be pocket-sized and shall

1 be available at all times for inspection on the motorboat for which it is  
2 issued whenever the motorboat is in operation.

3 (2)(A) If a certificate of number is lost, mutilated, or becomes  
4 illegible, the owner of the motorboat for which the certificate was issued  
5 shall immediately apply for and may obtain a duplicate or a replacement  
6 certificate upon the applicant's furnishing information satisfactory to the  
7 ~~Department of Finance and Administration~~ department.

8 (B) The application for a duplicate or replacement  
9 certificate of number to replace the original certificate of number shall be  
10 accompanied by a fee of one dollar (\$1.00).

11 ~~(f)~~(h) In the event that an agency of the United States Government  
12 shall have in force in the United States an overall system of identification  
13 numbering for boats covered by this chapter, then the numbering system  
14 required by this subchapter and the commission shall be in conformity  
15 therewith.

16  
17 SECTION 4. Arkansas Code § 27-101-602(a), concerning flotation devices  
18 aboard watercrafts, is amended to read as follows:

19 (a)(1) No person shall operate a personal watercraft unless each  
20 person aboard is wearing a ~~type I, type II, type III, or type V~~ United States  
21 Coast Guard-approved personal flotation device ~~approved by the United States~~  
22 ~~Coast Guard~~ to be used in accordance with the label on the personal flotation  
23 device.

24 (2) Provided, no person aboard a personal watercraft shall use  
25 an inflatable personal flotation device to meet the personal flotation device  
26 requirement of this subsection.