

Stricken language would be deleted from and underlined language would be added to present law.
Act 1468 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/15/13 S4/1/13
A Bill

HOUSE BILL 1779

By: Representative Holcomb
By: Senator J. Woods

For An Act To Be Entitled

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

Subtitle

TO PERMIT THE ELECTRONIC DISPLAY OF PROOF OF WATERCRAFT LIABILITY INSURANCE COVERAGE FOR PROOF OF INSURANCE AND REGISTRATION PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-101-207(b)(1)(A), concerning liability insurance required for watercraft, is amended to read as follows:

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

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



(ii) Insurance companies shall not be required to provide proof of insurance ~~which~~ that may be conveniently carried as required in subdivision (b)(1)(B)(i) of this section if the insurance coverage is provided as part of a homeowner's insurance policy.

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

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

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

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

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

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

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

(2)(A) For the purposes of this section, "proof of insurance" shall consist of a policy declaration page or other documentation, or a copy of a policy declaration page or other documentation in an acceptable electronic format, that reflects the motorboat or personal watercraft

coverage furnished to the insured by the insurance company which can be conveniently carried in the motorboat or personal watercraft.

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

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

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

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

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

/s/Holcomb

APPROVED: 04/22/2013