

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1447

By: Representative Cozart

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAWS CONCERNING FLOTATION DEVICES AND FIRE EXTINGUISHERS ABOARD VESSELS; TO REQUIRE NOTIFICATION OF CERTAIN ACCIDENTS INVOLVING VESSELS; AND TO AMEND THE LAW CONCERNING HULL IDENTIFICATION NUMBERS.

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

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

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

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

- (i) Used according to its approved conditions;i
- (ii) personal flotation device which is United States Coast Guard-approved, in In good and serviceable condition;i and
- (iii) of Of proper size for each person on board;



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

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

(i) Permanently installed fuel tanks;

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

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

(iv) Enclosed living spaces; or

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

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

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

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

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

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

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

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

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

(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, verification of the hull identification number, and by proof of insurance establishing that the motorboat, 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.

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

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

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

(1) Assign a primary hull identification number; and

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

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

~~(e)(1)~~(e)(1) Upon receipt of the application in approved form, accompanied by proof that the motorboat has been 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 ~~(e)(2)(A)~~ (e)(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.

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

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

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

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

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

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

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

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

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

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

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

APPROVED: 03/25/2015