

**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 *As Engrossed: H1/12/01 S1/30/01 S2/7/01*

2 83rd General Assembly

# A Bill

3 Regular Session, 2001

HOUSE BILL 1095

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5 By: Representatives Borhauer, *McMellon*

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## **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE §27-101-202 TO REQUIRE  
10 THE OPERATORS OF SO EQUIPPED MOTORBOATS TO USE THE  
11 LANYARD-TYPE ENGINE CUTOFF SWITCH; AND FOR OTHER  
12 PURPOSES.

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## **Subtitle**

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

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24 SECTION 1. Arkansas code 27-101-202 is amended to read as follows:

25 No person:

26 (1) Shall operate any motorboat or vessel or manipulate any water skis,  
27 aquaplane, personal watercraft, or similar device in a reckless or negligent  
28 manner that endangers the life, limb, or property of any person, including,  
29 but not limited to, weaving through congested vessel traffic, operating within  
30 one hundred feet (100') of a towboat that is underway, jumping the wake of  
31 another vessel too close to such other vessel, or when visibility around such  
32 other vessel is obstructed and swerving at the last possible moment to avoid  
33 collision shall constitute reckless operation of a vessel;

34 (2) Shall operate a motorboat on the waters of this state at a rate of  
35 speed that creates a hazardous wash or wake upon approaching or passing  
36 vessels, including, but not limited to, a wake that causes other vessels to

1 take on water, or a wake sufficient to toss occupants of other vessels about  
2 in a manner to cause injury or the risk of injury;

3 (3) Shall operate a motorboat upon the waters of this state within one  
4 hundred feet (100') of a designated recreation area, dock, pier, raft, float,  
5 anchored boat, dam, intake structure, or other obstruction at a speed  
6 exceeding five (5) miles per hour unless a contrary speed limit shall have  
7 been established in the designated area. However, in no case shall any motor  
8 boat be driven in a manner or at a speed that exceeds the safe and reasonable  
9 limits under the existing circumstances;

10 (4) Shall operate or manipulate any vessel, tow rope, or other device  
11 by which the direction or location of water skis, an aquaplane, or similar  
12 device may be affected or controlled in a way that causes the water skis,  
13 aquaplane, or similar device, or any person thereon, to collide with or strike  
14 against any object or persons;

15 (5) Shall operate a vessel on any waters of this state for towing a  
16 person or persons on water skis, or an aquaplane, personal watercraft, or  
17 similar device, unless there is in the vessel a person twelve (12) years of  
18 age or older, in addition to the operator, in a position to observe the  
19 progress of the person or persons being towed. However, if the towing boat is  
20 equipped with a wide-angle convex marine rear-view mirror in a position to  
21 observe the skiers being towed, the above requirement shall not apply;

22 (6) Shall operate a vessel on any waters of this state towing a person  
23 on water skis, or an aquaplane or similar device, nor shall any person engage  
24 in water skiing, aquaplaning, or similar activity at any time between the  
25 hours from one-half (1/2) hour after sunset to one-half (1/2) hour before  
26 sunrise. However, the provisions of this subdivision (6) do not apply to night  
27 water skiing or aquaplaning on controlled areas designated for those purposes  
28 where adequate lighting is provided;

29 (7) Shall operate any motorboat or vessel or manipulate any water skis,  
30 aquaplane, or similar device while intoxicated or under the influence of any  
31 narcotic drug, barbiturate, or marijuana or while under any physical or mental  
32 disability so as to be incapable of operating the motorboat or vessel safely  
33 under the prevailing circumstances;

34 (8) Shall load any vessel used on the waters of this state with  
35 passengers or cargo beyond its safe carrying capacity, as indicated on the  
36 manufacturer's capacity plate, or power any vessel with an outboard motor

1 which exceeds the maximum horsepower rating specified by the manufacturer. In  
2 addition, no person shall load a boat without a capacity plate in a manner  
3 that is unsafe or that results in the sinking or capsizing of the boat;

4 (9) If operating a motorboat of twenty-six feet (26') or less in  
5 length, shall allow any person to ride or sit on the gunwales or on the  
6 decking over the bow of the vessel while underway unless the vessel is  
7 equipped with adequate guards or railing to prevent passengers from being lost  
8 overboard. However, this restriction shall not apply to persons occupying the  
9 gunwales or the decking over the bow for necessary purposes such as mooring or  
10 casting off;

11 (10) If owning or having control of a motorboat of ten horsepower (10  
12 HP) or more, shall permit a person under twelve (12) years old to operate the  
13 motorboat of ten horsepower (10 HP) or more except under the direct visible  
14 and audible supervision of a parent, guardian, or other person over seventeen  
15 (17) years of age;

16 (11) Shall operate any vessel or manipulate any water skis, aquaplane,  
17 personal watercraft, or similar device in a grossly negligent manner that  
18 results in serious injury or death to any person; or

19 (12) Shall operate a vessel upon the waters of this state in a  
20 negligent manner, including, but not limited to:

21 (A) Inattentive operation;

22 (B) Failure to keep a proper lookout;

23 (C) Failure to observe the inland navigation rules of the road,  
24 as implemented by the United States Coast Guard; or

25 (D) Operating in a manner which results in a collision with  
26 another vessel or object.

27 (13) Shall operate a motorboat equipped by the manufacturer with a  
28 lanyard-type engine cutoff switch while said engine is used to propel the boat  
29 without attaching such lanyard to their person, clothing, or, if worn, a  
30 personal flotation device as appropriate for the specific vessel.

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32 *SECTION 2. Effective May 1, 2002, Arkansas Code 27-101-104(a) is*  
33 *amended to read as follows:*

34 (a) *Any person who violates any provision of §§ 27-101-202(8), 27-101-*  
35 *202(13), 27-101-203, 27-101-301, 27-101-303 – 27-101-306, and 27-101-308 – 27-*  
36 *101-312 shall be guilty of a misdemeanor and shall be subject to a fine of not*

1 *less than one hundred dollars (\$100) and not to exceed two hundred fifty*  
2 *dollars (\$250) for each violation.*

3 */s/ Borhauer*

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