

STATE OF ARKANSAS

State-Specific Boating Safety Requirements

1. Law Enforcement Authority

The officers of the Arkansas Game and Fish Commission, enforcement officers, sheriffs, deputy sheriffs, state police officers, Department of Parks and Tourism enforcement officers, and municipal police officers have the authority to enforce the boating laws of Arkansas. Enforcement personnel have the authority to stop and board vessels to check for compliance with state and federal laws. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

2. Age Restrictions

To operate any motorboat powered by an engine of 10 horsepower or more (including a personal watercraft):

- A person under 12 years of age must satisfy the boater education requirement, and if operating a motorboat, must be under the direct visible and audible supervision of a parent, guardian or person over 17 years old. If operating a PWC, must have a person at least 21 years of age on board and in a position to take immediate control of the PWC.
- A person 12 or 13 years of age must satisfy the boater education requirement, and if operating a PWC, must have a person at least 18 years of age on board the PWC.
- A person 14 years of age or older must satisfy the boater education requirement if born on or after January 1, 1986.

3. Boater Safety Education Requirements

Arkansas residents born on or after January 1, 1986 and of legal age to operate a motorboat must successfully complete an approved Arkansas Game and Fish Commission Boater Education Course and carry proof of certification while operating a motorboat.

4. Vessel Registration

An Arkansas Certificate of Number (registration) and validation decals are required to legally operate a motorboat on Arkansas' public waters. Exceptions to registration are:

- Vessels that are not propelled by an engine or by sail;
- Vessels properly registered in another state and using Arkansas waters for 90 consecutive days or fewer; and
- USCG-documented vessels.

The Certificate of Number and validation decals are obtained by presenting the proper application form and fee to the Revenue Office of the county of residence of the owner or the county where the motorboat is principally used. The Certificate of Number (pocket-sized registration card) is valid for three years and must be onboard and available for inspection by an enforcement officer whenever the motorboat is operated. The owner of a motorboat that requires registration must apply for the registration within 20 working days of the date of purchase. The motorboat may be operated during this period if the owner has onboard a dated proof of purchase.

If an outboard engine is purchased for a previously registered motorboat, the serial number of the engine must be provided to the Department of Finance and

Administration (DFA). Boats with motors over 50 horsepower and all PWCs must have a minimum of \$50,000 liability insurance before operating on Arkansas waters of. Proof of insurance is required to register a boat or renew a registration. The owner of a motorboat that requires registration must apply for the registration within 20 working days of the date of purchase. The motorboat may be operated during this period if the owner carries a dated proof of purchase.

The registration number and validation decals must be displayed as follows:

- Number must be painted, decaled or otherwise affixed to the forward half of each side of the motorboat, placed to be clearly visible.
- Number must read from left to right on both sides of the motorboat.
- Number must be in at least 3-inch high, bold, block letters.
- Numbers' colors must contrast with their background.
- Letters must be separated from the numbers by a space or hyphen: AR 3717 ZW, AR-3717-ZW, AR 123 ABC or AR-123-ABC.
- No other numbers or letters may be displayed on either side of the bow.
- Decals must be affixed on each side of the motorboat, toward the stern of the registration number, 3 inches from and in line with the number.

5. Maximum Loading and Horsepower

The State of Arkansas does not have any maximum loading and horsepower requirements that are in addition to federal regulations. To review federal regulations, refer to the section on Capacity Plates included in Chapter 1 of this course.

The following information was approved by NASBLA and is included in Chapter 1 of the Boater101 Course:

Capacity Plates

It is required for all mono-hull boats under 20 feet built on or after November 1, 1972 to have a capacity plate approved by the U.S. Coast Guard (USCG). In addition some manufacturers voluntarily install capacity plates on boats larger than 20 feet. This plate must be visible from the operator's station. The capacity plate lists a safe motor size; the maximum number of persons to be carried onboard and the total weight the boat can carry including persons, motor and gear. When operating your boat be sure to adhere to the restrictions listed on the capacity plate. Not only is it dangerous to overpower or overload a small boat since they can swamp or capsize more easily but also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.

6. Equipment and Lighting Requirements

The USCG sets minimum safety standards for vessels and associated equipment. To meet these standards, some of the equipment must be USCG-approved. All boats operating on Arkansas waters must carry and, if required, have in operation, acceptable personal flotation devices (PFDs), visual distress signals, fire extinguishers, sounding devices, backfire flame arrestor, ventilation systems, and navigation lights as required by federal law. If a boat manufacturer installs the safety equipment, it should not be assumed that the vessel is properly equipped at time of purchase. Boat owners are responsible for ensuring that his or her vessel meets USCG regulations in accordance with vessel size and the waters in which the vessel

is being operated. To review the federal requirements for safety equipment, refer to Chapter 2 of this course.

Personal Flotation Devices

All vessels must be equipped with USCG-approved life jackets called personal flotation devices or PFDs. The quantity and type depends on the length of the vessel and the number of people onboard and/or being towed. To review federal PFD requirements, refer to Chapter 2 of this course.

Mandatory PFD Usage

All children under the age of 13 wear a USCG-approved PFD while on a recreational vessel that is underway unless they are in an enclosed cabin or below deck.

Fire Extinguishers

Fire extinguishers are required on inboard boats, open boats with built-in fuel tanks and boats with bilges where flammable gases may accumulate. Refer to the Required Equipment section in Chapter 2 to review federal fire extinguisher requirements.

Backfire Flame Arrestors

Because vessel engines may backfire, all powerboats (except outboards) fueled with gasoline must have an approved backfire flame arrestor on each carburetor when operating on federally controlled waters. It is also *strongly recommended* that these vessels are equipped with backfire flame arrestor if boating on state waters. Backfire flame arrestors are designed to prevent the ignition of gasoline vapors in case the engine backfires. Periodically cleaning the flame arrestor(s) and checking for any damage is recommended.

Ventilations Systems

All motorboats with gas-powered engines, constructed in a way that would entrap fumes, must have at least two ventilation ducts fitted with cowls to remove the fumes. On state waters, any efficient natural or mechanical ventilation system capable of removing entrapped fumes will meet the legal requirement. If the vessel is equipped with a power ventilation system, turn it on for at least four minutes after fueling, prior to starting the engine. If a vessel is not equipped with a power ventilation system (such as a PWC), open the engine compartment and sniff for gasoline fumes before starting the engine.

Navigation Lights

Vessel operators must make sure that their vessels are equipped with the proper navigation lights. These lights must be used when away from the dock, between sunset and sunrise, and during periods of restricted visibility such as fog or heavy rain. *Note: blue flashing lights are restricted for use by law enforcement vessels only.*

On state controlled waters, light requirements for boats are the same as for non-powered boats on federal waters. All boats must have a readily accessible light source to be used in sufficient time to prevent a collision.

If less than 65.6 feet long, vessels must exhibit:

- Red and green sidelights visible from a distance of at least two miles (or if less than 39.4 feet long, at least one mile) on a dark clear night.

- A stern light visible from a distance of at least two miles.

If less than 23.0 feet long, vessels should:

- If practical, exhibit the same lights as required for unpowered vessels less than 65.6 feet in length.
- If not practical, have on hand at least one lantern or flashlight shining a white light.

Visual Distress Signals

VDSs are not required on Arkansas state waters, but it is *strongly recommended* that vessels be equipped with them. All vessels used on federally controlled waters must be equipped with U.S. Coast Guard-approved visual distress signals. These vessels are required to carry night signals when operating between sunset and sunrise. In addition, the following vessels must also carry day signals:

- Recreational boats 16 feet or longer.
- Non-motorized, open sailboats 26 feet or longer.

Sound Producing Devices

Vessels operating on federally controlled waters must carry the appropriate sound-producing device as required by federal law. It is not required for boats operating on state controlled waters to carry a sound-producing device, however, it is *strongly recommended* that vessels are always equipped with a sound-producing device.

7. Marine Sanitation Devices (MSDs)

A recreational vessel with installed toilet facilities must have an operable marine sanitation device (MSD) onboard. Vessels 65 feet and under may use a Type I, II or III MSD. Vessels over 65 feet must install a Type II or III MSD. All installed devices must be USCG-certified. All waste from Type III MSDs must be disposed in approved sewage pump-out facilities. All boaters must adhere to federal regulations regarding the treatment and proper disposal of sewage. State imposed No Discharge zones will be marked by signs posted on the waterbody. The dumping of either treated or untreated sewage is not permitted in these areas.

8. Muffling Devices

To reduce noise it is strongly recommended that motorboat engines be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system.

9. Boating Accidents

Boating accidents must be reported to the Arkansas Game and Fish Commission or the local Sheriff's office. If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, or the vessel. Accidents involving death, injury or property damage of \$500 or more must be reported immediately.

Violation is punishable by a fine of not less than \$250 nor more than \$500. In the event the accident resulted in grave personal injury or death, violations shall be a Class D felony and, upon conviction, punished accordingly.

10. Vessel Speed Restrictions

In Arkansas, boat operators can not exceed 10 miles per hour within 100 feet of the rear of another boat or PWC and within 50 feet of either side of another boat or

personal watercraft. Operating at a greater than no-wake speed within 100 feet of an anchored or moored vessel, shoreline, dock pier, swim float, marked swim area, swimmer, surfer, person engaged in angling, or any manually propelled vessel is prohibited.

11. Mooring to Markers or Buoys

It is unlawful to moor or attach a vessel to a beacon, light, buoy or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid. Boaters are permitted to tie off to buoys (i.e., mooring buoys) that have been placed on the waters for that specific purpose.

12. Reckless and Careless Operation

The operator of a vessel, PWC, water skis, tube, or similar device is not permitted to operate in a reckless or negligent manner, which endangers the life, limb or property of any person. Reckless or careless operation includes but is not limited to:

- Inattentive operation, failure to keep a proper lookout, and weaving through congested vessel traffic.
- Failure to observe the inland navigation rules of the road as implemented by the U.S. Coast Guard.
- Operating in a manner that can result in a collision with another person, vessel, or object.
- Operating within 100 feet of a towboat that is under way.
- Jumping the wake close behind another vessel or when visibility around the other vessel is obstructed and requires swerving at the last possible moment to avoid collision.
- Operating in a manner that exceeds the safe and reasonable limits under the existing circumstances.
- Operation at a rate of speed that creates a hazardous wash or wake. This includes, but is not limited to:
 - Creating a wake causing other vessels to take on water.
 - Creating a wake/wash sufficient to toss occupants of other vessels about in a manner that risks personal injury.
 - Operating within 100 feet of a designated recreation area, a dock, pier, raft, float, anchored boat, dam, intake structure, or other obstruction at a speed exceeding 5 miles per hour unless a contrary speed limit has been established in the designated area.
- Exceeding the manufacturer's maximum horsepower or carrying capacity rating.
- Allowing a person(s) to ride or sit on the gunwales or decking over the bow of the vessel while underway (except for mooring or casting off), unless adequate guards or railing are in place to prevent passengers from falling overboard.
- Equipping a vessel with a siren, except vessels used by law enforcement officers.

13. Interference with Navigation

It is unlawful to:

- Anchor a vessel in the traveled portion of a river or channel that will prevent or interfere with any other passing vessel.
- Obstruct a boat ramp, pier, wharf or access to any facility.

- Obstruct or mark the waters of Alabama in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of Alabama.

14. Boating Under the Influence

In Arkansas, it is unlawful to operate a boat while under the influence of alcohol or drugs. By operating a vessel on Arkansas waters, an operator has given "implied" consent to alcohol testing. A blood alcohol level of 0.08% establishes that the operator is under the influence. Operators who have blood alcohol levels that register 0.08% or above may be placed under arrest.

15. Mandatory Violator Education

Arkansas does not currently have any regulation requiring boating safety education for violators of boating laws.

16. PWC Regulations

In Arkansas a person must be at least 14 years old to operate a PWC without supervision. Those 12 and 13 years old may operate a PWC with someone at least 18 years on board. Persons under 12 must have someone at least 21 years old on board in a position to take immediate control of the PWC, if necessary. Every person onboard a PWC must wear a Type I, II, III, or V PFD U.S. Coast Guard-approved personal flotation device (life jacket). Inflatable PFDs are not approved for use on PWCs.

The following are regulations regarding PWC operation:

- PWC operators cannot exceed 10 miles per hour within 100 feet of the rear of another boat or PWC and within 50 feet of either side of another boat or PWC.
- PWCs may not be operated from 30 minutes after sunset until 30 minutes before sunrise even if the vessel is equipped with running lights.
- All PWC operators are required to wear the engine cut-off lanyard (kill switch) securely attached to his or her person, clothing, or personal flotation device at all times while operating the vessel.
- No person who owns or rents a PWC or who has charge over or control of a PWC may authorize or knowingly permit the PWC to be operated in violation of PWC law.

17. Water Ski Regulations

Vessel operators towing a person(s) on water skis, aquaplane, or any other device must obey these regulations:

- Every vessel towing a person(s) on water skis, aquaplane, or other device must have onboard, in addition to the operator, an observer at least 12 years old and in a position to observe the progress of the person(s) being towed. Boats equipped with a wide-angle convex marine rear-view mirror in a position to observe the skiers being towed are exempt from this requirement. However, when operating a PWC for the purpose of towing another person, a mirror may not be substituted for an observer.
- If towing a person on skis or other device with a PWC, the PWC must be rated to carry at least three people – the operator, the observer and the retrieved skier. You may not exceed the specified number of passengers as identified by the PWC manufacturer as the maximum safe load for the vessel.
- All persons being towed behind a motorboat or motorized device on water skis, aquaplane or other device must wear a Type I, II, III, or V PFD U.S.

Coast Guard-approved PFD (life jacket). Inflatable PFDs are not approved for persons being towed behind a vessel.

- It is unlawful for vessels to tow a person(s) on water skis, an aquaplane, or other device between the hours of one-half hour after sunset to one-half hour before sunrise. This restriction does not apply to night water-skiing or aquaplaning on controlled areas designated for those purposes where adequate lighting is provided.
- It is unlawful to operate or manipulate any towing vessel, towrope, or other device in such a way as to cause the towed device or towed person(s) to collide with or strike any object or person(s).

18. Divers-down Flag

Any person scuba diving or skin diving in federally controlled waters must display a Divers-Down flag to mark their diving area. Those involved in spear fishing in Arkansas state waters must also display a Divers-Down flag. All divers must stay within 300 feet of the displayed flag. For safety considerations, it is strongly recommended that vessels not engaged in diving operations stay at least 100 feet from a displayed Divers-Down flag.

19. Liveries (Rental Agencies)

In Arkansas, all boat liveries (marinas) must carry a minimum of \$500,000 in liability coverage. Liveries are required to have renters view a state-approved video on PWC operation prior to renting a personal watercraft. A PWC livery may not enter into a lease for rental agreement for a PWC with any person under 18 years of age.

20. Other State-Specific Regulations

No vessel may enter within 100 yards downstream of a Army Corps of Engineers dam. Operating a vessel in any manner contrary to signs, markers or buoys placed by the Corps controlling speed, skiing or operation of vessels is prohibited.

21. Environmental Awareness

Waste Management Plan

Federal law requires ocean going vessels of 40 feet or longer with a galley and berth to have a written Waste Management Plan. The captain of each vessel is responsible for implementing the Waste Management Plan. This plan must identify the vessel's name and home port, and should be posted and include directives to all passengers and/or crew about:

- Discharge of sewage and hazardous substances;
- Discharge of garbage and other food waste;
- Disposal of plastics, bottles, and cans;
- Applicable placards for additional information; and
- Advising the captain in case of oily discharges or diesel spills.

Aquatic Nuisance Species

Introducing non-native species into Arkansas waters can upset the balance of the ecosystem and hurt the environment. Aquatic nuisance species such as zebra mussels most often spread between waterways by hitching a ride on vessels and trailers. When transplanted into new waters, these organisms proliferate, displacing native species and damaging the water resource. To prevent spreading aquatic nuisance species:

- Inspect the vessel and trailer, removing any plants and animals you see before leaving the waterbody.

- Drain the engine, live well, and bilge on land before leaving the waterbody.
- Empty the bait bucket on land. Never release live bait into a waterbody or release aquatic animals from one waterbody into another.
- Rinse the vessel, trailer and equipment.
- Air-dry the vessel and equipment for as long as possible.

Additional Information

For more information on Arkansas boating law refer to the Arkansas Game and Fish Commission at: http://www.agfc.state.ar.us/rules_regs/boating_regs.html and Title 27. Transportation. Subtitle 7. Watercourses And Navigation. Chapter 101. Watercraft.