

1 AN ACT relating to boater safety and making an appropriation.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 235.080 is amended to read as follows:

4 (1) The annual registration fee for motorboats shall be set by the department by
5 administrative regulation. Every application for registration or renewal of
6 registration shall be accompanied by:

7 *(a)* The registration fee in addition to a one dollar (\$1) fee which shall be
8 deposited in a trust and agency account for use by the Transportation Cabinet
9 in defraying the cost of implementing and operating the boat titling and
10 registration program; *and*

11 *(b) On or after July 1, 2023, proof of a Kentucky safe boating certification card*
12 *or equivalent documentation as set forth in subsection (8)(b) of Section 2 of*
13 *this Act. If proof is not provided, there shall be an additional fifty dollar*
14 *(\$50) fee assessed, which shall be distributed in accordance with KRS*
15 *235.330.*

16 (2) The annual registration fee for motorboats for hire from a livery shall be the
17 registration fees set forth in subsection (1) of this section. Owners of a livery shall
18 apply for licenses or certificates in the manner provided in this chapter, but the
19 Transportation Cabinet may promulgate special administrative regulations relating
20 to their certification and registration.

21 ➔Section 2. KRS 235.285 is amended to read as follows:

22 (1) A personal watercraft may be used to tow individuals engaged in waterskiing or
23 similar activities if it has adequate seating capacity and an observer on board to
24 monitor the progress of the person being towed, or if it is equipped with a rearview
25 mirror with a minimum field of vision of one hundred sixty (160) degrees mounted
26 so that the operator can observe the activities of the person being towed.

27 (2) A person shall not operate a personal watercraft on public waters unless every

1 individual operating or riding on the personal watercraft is wearing a personal
2 flotation device that is approved by the United States Coast Guard under 46 C.F.R.
3 sec. 160, as it may be amended or renumbered.

4 (3) A personal watercraft that does not have self-circling capability shall not be
5 operated on public waters unless:

6 (a) The personal watercraft is equipped with a lanyard-type engine cutoff switch;
7 and

8 (b) The lanyard is attached to the person, clothing, or personal flotation device of
9 the operator.

10 (4) A vessel operated on public waters shall be operated at all times according to the
11 provisions of this chapter and the administrative regulations promulgated hereunder.

12 A vessel shall be operated at all times in a reasonable and prudent manner so as not
13 to endanger human life, human physical safety, or property. A person shall not do
14 any of the following while operating a vessel on public waters:

15 (a) Weave through congested watercraft traffic in a way that endangers human
16 life, human physical safety, or property;

17 (b) Follow a watercraft that is towing an individual on water skis, a surfboard, or
18 a water sport device in a way that endangers human life, human physical
19 safety, or property;

20 (c) Jump the wake of another watercraft in a way that endangers human life,
21 human physical safety, or property;

22 (d) Cut between a boat and the individual or individuals being towed by the boat;

23 (e) Cross paths with another watercraft when visibility around the other
24 watercraft is so obstructed as to endanger human life, human physical safety,
25 or property; or

26 (f) Steer a personal watercraft or motorboat toward an object or individual in the
27 water and turn sharply at close range in a way that endangers human life,

1 human physical safety, or property.

2 (5) A person shall not operate a personal watercraft on public waters at any time
3 between sunset and the following sunrise.

4 (6) A person shall not operate a vessel within fifty (50) feet of a commercial motor
5 vessel and its tow which is in operation on a waterway, except if the operator of the
6 commercial motor vessel has given his or her consent.

7 (7) *A person shall not operate a boat propelled by human power employing the use of*
8 *hand or foot operation, or a boat propelled totally by a direct current battery-*
9 *powered motor, on public waters without reflective safety decals affixed to it.*

10 (8) (a) A person under twelve (12) years of age shall not operate a personal watercraft
11 or motorboat [~~over ten (10) horsepower~~] on the public waters of the
12 Commonwealth.

13 (b) [~~Effective January 1, 1999,~~] A person twelve (12) years of age *or*
14 *older* [~~through seventeen (17) years of age~~] shall not operate a personal
15 watercraft or motorboat [~~over ten (10) horsepower~~] on the public waters of the
16 Commonwealth unless the person is in possession of *one (1) of the following:*

17 *1. A Kentucky safe boating certification card;*

18 *2. A recognized equivalent boat operator license or safe boating*
19 *certification from another state or country, the United States*
20 *government, or other National Association of State Boating Law*
21 *Administrators-approved course;*

22 *3. A printed or electronic copy of a safe boating certificate temporary*
23 *exemption available from the department under subsection (9) of this*
24 *section; or*

25 *4. Proof of motorboat or personal watercraft registration in the person's*
26 *name for the previous five (5) years* [~~a safe boating certificate or is~~
27 accompanied, on board, by a person eighteen (18) years of age or older

1 or in possession of a safe boating certificate].

2 (c) *A person operating a personal watercraft or motorboat on public waters*
 3 *shall present to law enforcement upon request the documentation required*
 4 *for compliance with paragraph (b) of this subsection* [~~While operating a~~
 5 ~~motorboat or a personal watercraft over ten (10) horsepower on the public~~
 6 ~~waters of the Commonwealth, nonresidents twelve (12) years of age through~~
 7 ~~seventeen (17) years of age shall have in their possession a Kentucky safe~~
 8 ~~boating certificate or a recognized and equivalent boat operator licensing or~~
 9 ~~safe boating certificate from another state or country].~~

10 ~~(9)~~ ~~(8)~~ *A person subject to the requirements of subsection (8)(b) of this section may*
 11 *obtain from the department a safe boating certificate temporary exemption,*
 12 *which shall be valid for no more than fourteen (14) days from the date it is issued*
 13 *and shall be granted to applicants who:*

14 *(a) Review a department Web site or printed document containing essential*
 15 *information from the safe boating examination;*

16 *(b) Correctly answer at least eight (8) questions from a basic comprehension*
 17 *test consisting of ten (10) questions derived from the safe boating*
 18 *examination; and*

19 *(c) Remit a payment of five dollars (\$5) to the department.*

20 ~~(10)~~ Subsections (1) to (6) of this section shall not apply to:

21 (a) A performer engaged in a professional exhibition; or

22 (b) A person participating in a regatta, a race, a marine parade, a tournament, or
 23 an exhibit that is held in compliance with administrative regulations adopted
 24 by the department.

25 ~~(11)~~ ~~(9)~~ The parent, legal guardian, or other adult who has direct supervision over a
 26 minor under the age of eighteen (18) shall not knowingly authorize or permit the
 27 minor to operate a motorboat or personal watercraft in violation of this section.

1 ➔Section 3. KRS 235.990 is amended to read as follows:

- 2 (1) (a) Except as provided in paragraph (b) of this subsection, any person who
 3 violates any of the provisions of this chapter or administrative regulations
 4 adopted under this chapter shall be fined not less than fifty dollars (\$50) nor
 5 more than two hundred dollars (\$200).~~[After July 15, 2000,]~~ Any person who
 6 violates KRS 235.230 shall be fined not less than fifteen dollars (\$15) nor
 7 more than one hundred dollars (\$100) and each day the violation continues
 8 may constitute a separate offense.
- 9 (b) From the effective date of this Act until June 30, 2023, the only penalty for
 10 a person known to be operating a personal watercraft or motorboat on
 11 public waters in violation of subsection (8)(b) of Section 2 of this Act shall
 12 be the issuance of a courtesy notice. The person shall also be advised by law
 13 enforcement officers of the department, or other sworn officers as have the
 14 opportunity, about the requirements of this subsection, including
 15 information about how to achieve compliance.
- 16 (2) Any person who violates KRS 235.240 shall not be subject to the penalties of KRS
 17 Chapter 189A but shall be guilty of a separate offense and subject to a fine of two
 18 hundred dollars (\$200) to two hundred fifty dollars (\$250) or imprisonment for
 19 twenty-four (24) hours, or both, for the first offense, a fine of three hundred fifty
 20 dollars (\$350) to five hundred dollars (\$500) or imprisonment for forty-eight (48)
 21 hours, or both, for the second offense, and a fine of six hundred dollars (\$600) to
 22 one thousand dollars (\$1,000) or imprisonment in the county jail for not less than
 23 thirty (30) days, or both, for the third or subsequent offense. Refusal to submit to a
 24 breath alcohol analysis or similar test in violation of KRS 235.240(3) shall be
 25 deemed an offense.
- 26 (3) (a) A person may, in addition or in lieu of the penalties specified in subsection (1)
 27 or (5) of this section, be required to take a safe-boating course approved by the

1 department or offered by the United States Coast Guard, Coast Guard
 2 Auxiliary, or U.S. Power Squadron and to present the court a certificate
 3 documenting successful completion of the course.

4 (b) A person shall, in addition to the penalties of subsection (2) of this section, be
 5 required to take a safe-boating course offered by the department and to present
 6 the court a certificate documenting successful completion of the course. The
 7 person attending a class under this paragraph shall pay the department a fee of
 8 one hundred dollars (\$100) for the costs of materials and instruction before
 9 receiving a certificate of completion.

10 (c) On or after July 1, 2023, a person who violates subsection (8)(b) of Section
 11 2 of this Act shall, in addition to the penalties of subsection (1) of this
 12 section, be required to take a safe boating course offered by the department,
 13 a recognized equivalent boat operator licensing or safe boating certification
 14 course offered by another state or country or the United States government,
 15 or a National Association of State Boating Law Administrators-approved
 16 course, and to present to the court a certificate documenting successful
 17 completion of the course. A person who attends a course under this
 18 paragraph and presents to the court a certificate documenting his or her
 19 successful completion of the course prior to the adjudication of his or her
 20 case shall be granted a fine reduction of twenty-five dollars (\$25).

21 (4) After July 15, 2000, any person who violates KRS 235.420 or 235.430 shall be
 22 fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100). A
 23 person who violates KRS 235.420 or 235.430 shall be fined not less than one
 24 hundred dollars (\$100) nor more than three hundred dollars (\$300) for the second
 25 offense, and not less than three hundred dollars (\$300) nor more than five hundred
 26 dollars (\$500) for the third or any subsequent offense.

27 (5) Any person failing to obey a citation issued in accordance with KRS 235.315 shall

- 1 be guilty of a separate offense and shall be fined not less than fifty dollars (\$50) nor
2 more than two hundred dollars (\$200).
- 3 (6) Any person who makes a false statement regarding a marine boat toilet on the
4 application for registration or renewal registration for a motorboat shall be fined one
5 hundred dollars (\$100). This penalty shall be separate from any other penalty that
6 may be applicable for violation of this chapter.
- 7 (7) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate,
8 or in any other manner interferes with any officer in the discharge of his duties,
9 other than a criminal homicide or an assault against an officer enforcing the
10 provisions of this chapter, KRS Chapter 150, or the administrative regulations
11 issued under either of these chapters, shall be guilty of a Class A misdemeanor.
- 12 (8) Any person who commits a criminal homicide or an assault against an officer
13 enforcing the provisions of this chapter, KRS Chapter 150, or the administrative
14 regulations issued under either of these chapters shall be subject to the penalties
15 specified for the offense under KRS Chapter 507 or 508, as appropriate.
- 16 (9) Any person who violates KRS 235.203 shall be fined fifty dollars (\$50).