

1 AN ACT relating to boating under the influence.

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

3 ➔Section 1. KRS 235.240 is amended to read as follows:

4 (1) A person shall not operate any motorboat or vessel, or manipulate any water skis,  
5 surfboard, or similar device, in a reckless or negligent manner so as to endanger the  
6 life or property of any person.

7 (2) A person shall not operate any motorboat or vessel, or manipulate any water skis,  
8 surfboard, or similar device, while intoxicated or under the influence of any other  
9 substance which impairs one's driving ability.

10 (3) (a) Any person who operates a motorboat or vessel upon the waters of the  
11 Commonwealth shall be deemed to have given consent to a test or tests as  
12 accepted by the state's evidentiary mandate for the purpose of determining the  
13 operator's alcohol concentration or the presence of other drugs. The test or  
14 tests shall be administered at the direction of a law enforcement officer who  
15 has probable cause to believe that the operator may have been violating this  
16 section.

17 (b) If a motorboat or vessel is involved in an accident that results in a fatality or  
18 serious physical injury that creates a substantial risk of death, serious or  
19 prolonged disfigurement, prolonged impairment of health, or prolonged loss  
20 or impairment of the function of any bodily organ, the investigating law  
21 enforcement officer shall seek a search warrant for blood testing of the  
22 operator of the motorboat or vessel unless the testing has already been done  
23 by consent.

24 (4) For the purposes of enforcing subsection (2) of this section, the elements of the  
25 offense are those established in KRS 189A.010(1) to (4), except that the penalties  
26 for this offense are set forth in KRS 235.990.

27 ➔Section 2. This Act may be cited as Keegan's Law.