

## CHAPTER 6

## ( HB 93 )

AN ACT relating to personal watercraft.

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

➔Section 1. KRS 235.285 is amended to read as follows:

- (1) A personal watercraft may be used to tow individuals engaged in waterskiing or similar activities if it has adequate seating capacity and an observer on board to monitor the progress of the person being towed, or if it is equipped with a rearview mirror with a minimum field of vision of one hundred sixty (160) degrees mounted so that the operator can observe the activities of the person being towed.
- (2) A person shall not operate a personal watercraft on public waters unless every individual operating or riding on the personal watercraft is wearing a personal flotation device that is approved by the United States Coast Guard under 46 C.F.R. sec. 160.
- (3) A personal watercraft that does not have self-circling capability shall not be operated on public waters unless:
  - (a) The personal watercraft is equipped with a lanyard-type engine cutoff switch; and
  - (b) The lanyard is attached to the person, clothing, or personal flotation device of the operator.
- (4) A personal watercraft or motorboat operated on public waters shall ~~at all times~~ be operated **at all times** according to the "Rules of the Road" **in the Inland Navigation Rules, 33 C.F.R. pt. 83. A personal watercraft or motorboat shall be operated at all times** ~~and~~ in a reasonable and prudent manner so as not to endanger human life, human physical safety, or property. A person shall not do any of the following while operating a personal watercraft or motorboat on public waters:
  - (a) Weave through congested watercraft traffic in a way that endangers human life, human physical safety, or property;
  - (b) Follow a watercraft that is towing an individual on water skis, a surfboard, or a water sport device in a way that endangers human life, human physical safety, or property;
  - (c) Jump the wake of another watercraft in a way that endangers human life, human physical safety, or property;
  - (d) Cut between a boat and the individual or individuals being towed by the boat;
  - (e) Cross paths with another watercraft when visibility around the other watercraft is so obstructed as to endanger human life, human physical safety, or property; or
  - (f) Steer a personal watercraft or motorboat toward an object or individual in the water and turn sharply at close range in a way that endangers human life, human physical safety, or property.
- (5) A person shall not operate a personal watercraft on public waters at any time between sunset and the following sunrise.
- (6) A person shall not operate a motorboat or personal watercraft within fifty (50) feet of a commercial motor vessel and its tow which is in operation on a waterway, except if the operator of the commercial motor vessel has given his or her consent.
- (7)
  - (a) A person under twelve (12) years of age shall not operate a personal watercraft or motorboat over ten (10) horsepower on the public waters of the Commonwealth.
  - (b) Effective January 1, 1999, a person twelve (12) years of age through seventeen (17) years of age shall not operate a personal watercraft or motorboat over ten (10) horsepower on the public waters of the Commonwealth unless the person is in possession of a safe boating certificate or is accompanied, on board, by a person eighteen (18) years of age or older or in possession of a safe boating certificate.
  - (c) While operating a motorboat or a personal watercraft over ten (10) horsepower on the public waters of the Commonwealth, nonresidents twelve (12) years of age through seventeen (17) years of age shall have in their possession a Kentucky safe boating certificate or a recognized and equivalent boat operator licensing or safe boating certificate from another state or country.

- (8) Subsections (1) to (6) of this section shall not apply to:
- (a) A performer engaged in a professional exhibition; or
  - (b) A person participating in a regatta, a race, a marine parade, a tournament, or an exhibit that is held in compliance with administrative regulations adopted by the department.
- (9) The parent, legal guardian, or other adult who has direct supervision over a minor under the age of eighteen (18) shall not knowingly authorize or permit the minor to operate a motorboat or personal watercraft in violation of this section.

**Signed by Governor March 28, 2012.**