

**CHAPTER 171****( HB 248 )**

AN ACT relating to boating safety.

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

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

- (1) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, in a reckless or negligent manner so as to endanger the life or property of any person.
- (2) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, while intoxicated or under the influence of any other substance which impairs one's driving ability.
- (3) Any person who operates a vessel upon the waters of the Commonwealth shall be deemed to have given consent to a test or tests as accepted by the state's evidentiary mandate for the purpose of determining the operator's alcohol concentration or the presence of other drugs. The test or tests shall be administered at the direction of a law enforcement officer who has probable cause to believe that the operator may have been violating this section.
- (4) For the purposes of enforcing *subsection (2) of* this section, the elements of the offense are those established in KRS 189A.010(1) to (4), except that the penalties for this offense are set forth in KRS 235.990.

➔Section 2. KRS 235.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of this chapter or administrative regulations adopted under this chapter shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). After July 15, 2000, any person who violates KRS 235.230 shall be fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) and each day the violation continues may constitute a separate offense.
- (2) Any person who violates KRS 235.240 shall not be subject to the penalties of KRS Chapter 189A but shall be guilty of a separate offense and subject to a fine of two hundred dollars (\$200) to two hundred fifty dollars (\$250) *or imprisonment for twenty-four (24) hours* for the first offense, a fine of three hundred fifty dollars (\$350) to five hundred dollars (\$500) *or imprisonment for forty-eight (48) hours* for the second offense, and a fine of six hundred dollars (\$600) to one thousand dollars (\$1,000) or imprisonment in the county jail for not less than thirty (30) days, or both, for the third or subsequent offense. Refusal to submit to a breath alcohol analysis or similar test in violation of KRS 235.240(3) shall be deemed an offense.
- (3)
  - (a) A person may, in addition or in lieu of the penalties specified in subsection (1) or (5) of this section, be required to take a safe-boating course approved by the department or offered by the United States Coast Guard, Coast Guard Auxiliary, or U.S. Power Squadron and to present the court a certificate documenting successful completion of the course.
  - (b) A person shall, in addition to the penalties of subsection (2) of this section, be required to take a safe-boating course offered by the department and to present the court a certificate documenting successful completion of the course. The person attending a class under this paragraph shall pay the department a fee of one hundred dollars (\$100) for the costs of materials and instruction before receiving a certificate of completion.
- (4) After July 15, 2000, any person who violates KRS 235.420 or 235.430 shall be fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100). A person who violates KRS 235.420 or 235.430 shall be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) for the second offense, and not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) for the third or any subsequent offense.
- (5) Any person failing to obey a citation issued in accordance with KRS 235.315 shall be guilty of a separate offense and shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- (6) Any person who makes a false statement regarding a marine boat toilet on the application for registration or renewal registration for a motorboat shall be fined one hundred dollars (\$100). This penalty shall be separate from any other penalty that may be applicable for violation of this chapter.

- (7) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with any officer in the discharge of his duties, other than a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 150, or the administrative regulations issued under either of these chapters, shall be guilty of a Class A misdemeanor.
- (8) Any person who commits a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 150, or the administrative regulations issued under either of these chapters shall be subject to the penalties specified for the offense under KRS Chapter 507 or 508, as appropriate.
- (9) Any person who violates KRS 235.203 shall be fined fifty dollars (\$50).

➔Section 3. KRS 431.005 is amended to read as follows:

- (1) A peace officer may make an arrest:
  - (a) In obedience to a warrant; or
  - (b) Without a warrant when a felony is committed in his or her presence; or
  - (c) Without a warrant when he or she has probable cause to believe that the person being arrested has committed a felony; or
  - (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been committed in his or her presence; or
  - (e) Without a warrant when a violation of KRS 189.290, 189.393, 189.520, 189.580, 511.080, or 525.070 has been committed in his or her presence, except that a violation of KRS 189A.010 or KRS 281A.210 need not be committed in his or her presence in order to make an arrest without a warrant if the officer has probable cause to believe that the person being arrested has violated KRS 189A.010 or KRS 281A.210;~~or~~
  - (f) Without a warrant when a violation of KRS 508.030 has occurred in a hospital without the officer's presence if the officer has probable cause to believe that the person being arrested has violated KRS 508.030. As used in this paragraph, "hospital" includes any property owned or used by a hospital as a parking lot or parking garage; *or*
  - (g) ***Without a warrant when a violation of subsection (2) of Section 1 of this Act has occurred causing an accident, occurring outside of the peace officer's presence, involving a motorboat or vessel on the waters of the Commonwealth, and resulting in a physical injury or property damage, and a commissioned peace officer has probable cause to determine who the operator of the motorboat or vessel was and that operator was intoxicated or under the influence of any substance that impairs one's ability to operate the motorboat or vessel at the time of the accident.***
- (2)
  - (a) Any peace officer may arrest a person without warrant when the peace officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member, member of an unmarried couple, or another person with whom the person was or is in a dating relationship.
  - (b) As used in this subsection, "dating relationship," "family member," and "member of an unmarried couple" have the same meanings as defined in KRS 403.720 and 456.010.
  - (c) For the purpose of this subsection, the term "member of an unmarried couple" has the same meaning as set out in KRS 403.720.
- (3) A peace officer may arrest a person without a warrant when the peace officer has probable cause to believe that the person is a sexual offender who has failed to comply with the Kentucky Sex Offender Registry requirements based upon information received from the Law Information Network of Kentucky.
- (4) For purposes of subsections (2) and (3) of this section, a "peace officer" is an officer certified pursuant to KRS 15.380.
- (5) If a law enforcement officer has probable cause to believe that a person has violated a condition of release imposed in accordance with KRS 431.064 and verifies that the alleged violator has notice of the conditions, the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.
- (6) A private person may make an arrest when a felony has been committed in fact and he or she has probable cause to believe that the person being arrested has committed it.

- (7) If a law enforcement officer has probable cause to believe that a person has violated a restraining order issued under KRS 508.155, then the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.

**Signed by Governor March 26, 2019.**