

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 6:001. Definitions for 301 KAR Chapter 6.

RELATES TO: KRS Chapter 235, 33 C.F.R. 175.15

STATUTORY AUTHORITY: KRS 235.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.280 requires the department to promulgate administrative regulations. This administrative regulation establishes definitions for terms used in 301 KAR Chapter 6. 46 U.S.C. Chapter 131 requires the state to comply specific elements of applicable federal laws and regulations which specify requirements for States RBS Program. 33 C.F.R. 175.13 defines wearable and throwable PFDs.

Section 1. Definitions.

- (1) "Adequate ventilation" means ventilation that met Boating Industry Association and U.S. Coast Guard requirements at the time the vessel was manufactured.
- (2) "Airborne device" means a kite, parachute, or similar device that holds a person aloft while towed behind a moving vessel.
- (3) "Class A" means vessels less than sixteen (16) feet in length.
- (4) "Class 1" means vessels sixteen (16) feet or over and less than twenty-six (26) feet in length.
- (5) "Class 2" means vessels twenty-six (26) feet or over and less than forty (40) feet in length.
- (6) "Class 3" means vessels forty (40) feet or more in length.
- (7) "Crossing" means a situation in which a vessel approaches another from an angle of 112.5 degrees or less from either side of the bow.
- (8) "Documented by the federal government" means a vessel that has been registered with, and issued official registration documents by, the United States Coast Guard.
- (9) "Idle speed" means the slowest possible speed at which maneuverability can be maintained.
- (10) "International diving flag" means a red flag with a white stripe running diagonally from an upper corner to the opposite lower corner.
- (11) "Length":
 - (a) Means the longest dimension of a boat measured along the centerline from the bow to the stern; and
 - (b) Does not mean the length including outboard motors, swim platforms, or similar attachments.
- (12) "Manually propelled racing vessel" means a racing shell, rowing scull, racing canoe, or racing kayak recognized by national or international racing associations for use in competitive racing, and not carrying or having been designed to carry equipment, except that which is solely for competitive racing.
- (13) "Overtaking" means a situation in which a faster vessel approaches a slower vessel from an angle of more than 112.5 degrees from either side of the bow of the slower vessel.
- (14) "Passing" means a situation in which vessels approach and pass each other from head on or nearly so.
- (15) "Personal Floatation Device or PFD" means any lifesaving device classified and approved by the regulations of the commandant of the U.S. Coast Guard.
- (16) "Throwable personal flotation device" means a PFD designed to be thrown to someone in the water"::.

- (17) "Water skis" means rigid or inflatable skis, kneeboards, tubes, wakeboards, or similar devices.
- (18) "Water skiing" means:
- (a) The act of riding in or upon water skis while being towed behind a moving vessel or propelled by a boat's wake or while riding on or in a boat's wake directly behind a vessel that is underway; or
 - (b) Barefoot skiing.
- (19) "Wearable personal flotation device" means a PFD designed to be worn or otherwise attached to the body.

RICH STORM, Commissioner

APPROVED BY AGENCY: April 13, 2023

FILED WITH LRC: April 14, 2023 at 10:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 29, 2023, at 9:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.