

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

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.280 requires the Department of Fish and Wildlife Resources to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of Kentucky and to carry out the purposes of KRS Chapter 235. 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 meets 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) "Boat dealer" means a person who is in the business of selling motorboats in Kentucky, other than a personal boat.
- (4) "Boat manufacturer" means a person who is in the business of manufacturing boats in Kentucky.
- (5) "Class A" means vessels less than sixteen (16) feet in length or a personal watercraft as defined in KRS 235.010(4).
- (6) ~~[(4)]~~ "Class 1" means vessels sixteen (16) feet or more, but~~over and~~ less than twenty-six (26) feet in length.
- (7) ~~[(5)]~~ "Class 2" means vessels twenty-six (26) feet or more, but~~over and~~ less than forty (40) feet in length.
- (8) ~~[(6)]~~ "Class 3" means vessels forty (40) feet or more in length.
- (9) ~~[(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.
- (10) "Dealer or manufacturer certificate" means the certificate issued to a boat manufacturer or boat dealer that bears an identification number assigned by the department signifying registration as a boat manufacturer or a boat dealer.
- (11) ~~[(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.
- (12) "Electric trolling motor" means an electric motor equal to or less than three (3) horsepower, one and three-tenths (1.3) kilowatts input power, or 120 pounds of thrust.
- (13) "Engine cut-off switch" means an operable emergency cut-off engine stop switch installed on a motorboat and that attaches to the motorboat operator by an engine cut-off switch link.

- (14) "Engine cut-off switch link" means the lanyard or wireless cut-off device used to attach the motorboat operator to the engine cut-off switch installed on the motorboat.
- (15) "Hydrofoil" means a vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing and a rear stabilizer.
- (16) ~~[(9)]~~ "Idle speed" means the slowest possible speed at which maneuverability can be maintained.
- (17) ~~[(10)]~~ "International diving flag" means a red flag with a white stripe running diagonally from an upper corner to the opposite lower corner.
- (18) "Law enforcement vessel" means any vessel used by a law enforcement agency for law enforcement purposes.
- (19) "Length" means the longest dimension of a boat measured along the centerline from the bow to the stern but does not include outboard motors, swim platforms, or similar attachments.
- ~~[(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.]~~
- (20) ~~[(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.
- (21) "Mechanically propelled personal hydrofoil" also known as an e-foil, means a vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing, rear stabilizer, and electric or internal combustion engine.
- (22) "Mechanically propelled surfboard" also known as a jet board, means a vessel that consists of a board using a surfboard-type design fitted with propulsion machinery (either electric or internal combustion).
- (23) "Navigable waters" means a navigable waterway as defined by 33 C.F.R. Part 329.
- (24) "Non-navigable waters" means all waters not defined by 33 C.F.R. Part 329.
- (25) ~~[(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.
- (26) ~~[(14)]~~ "Passing" means a situation in which vessels approach and pass each other from head on or nearly so.
- (27) ~~[(15)]~~ "Personal flotation device~~[Flotation Device]~~ or PFD" means any lifesaving device classified and approved by the regulations of the commandant of the U.S. Coast Guard.
- (28) "Plate" means a moveable identification tag bearing a number assigned by the department signifying registration as a boat manufacturer or a boat dealer.
- (29) "Public safety vessel" means any vessel used for emergency purposes by organizations listed in KRS 189.910(1)(2).
- (30) "Recreational vessel" means a vessel that is not documented as commercial by the U.S. Coast Guard.
- (31) ~~[(16)]~~ "Throwable personal flotation device" means a PFD designed to be thrown to someone in the water".~~[-:]~~
- (32) "Vessel" means every description of watercraft, other than a seaplane on the water.
- (33) "Wakeboat" means a motorboat that has one or more ballast tanks, ballast bags, other devices, design features, or utilizes other methods specifically to increase the size of the motorboat's wake.
- (34) "Wakesports" means a recreational boating activity utilizing a wakeboat with ballast tanks, ballast bags, other devices, design features, or other methods engaged to increase

the size of the boat's wake.

~~(35) {(17)}~~ "Water skis" means rigid or inflatable skis, kneeboards, tubes, wakeboards, or similar devices.

~~(36) {(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.

~~(37) {(19)}~~ "Wearable personal flotation device" means a PFD designed to be worn or otherwise attached to the body.

~~(38) "Wireless cut-off system" means an operable wireless emergency cut-off engine stop switch installed on a motorboat.~~

RICH STORM, Commissioner

APPROVED BY AGENCY: November 12, 2025

FILED WITH LRC: November 13, 2025 at 12:38 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 29, 2026, at 11:00 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 January 31, 2026. 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, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jenny Gilbert

Subject Headings:Fish and Wildlife, Boats and Boating, Watercraft and Watersports

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes definitions for terms used in 301 KAR Chapter 6.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to avoid confusion when interpreting the meaning of terms used in 301 KAR Chapter 6.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 235.280 requires the Department of Fish and Wildlife Resources to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of Kentucky and to carry out the purposes of KRS Chapter 235.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

By providing definitions for the terms used in 301 KAR Chapter 6, misinterpretation of the regulations should be minimized.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

Additional terms that are to be utilized are being added to this definitions regulation.

(b) The necessity of the amendment to this administrative regulation:

Changes are being made to other regulations in 301 KAR Chapter 6 and there are new terms that need to be defined.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 235.280 requires the Department of Fish and Wildlife Resources to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of Kentucky and to carry out the purposes of KRS Chapter 235.

(d) How the amendment will assist in the effective administration of the statutes:

By defining the new terms to be used in the other regulations within 301 KAR, Chapter 6, it will assist the effective administration of the statutes by clarifying the specific meanings of the terms in one consolidated location.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All individuals reading this regulation or any regulation in 301 KAR Chapter 6 will be affected.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

No additional actions will need to be taken to comply with this regulation. This regulation simply provides definitions for terms in 301 KAR Chapter 6.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There will be no cost to comply with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

All individuals interpreting regulations within 301 KAR Chapter 6 will have a better understanding of the terms and all definitions will be in one regulation.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no cost initially.

(b) On a continuing basis:

There will be no cost on a continuous basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

The source of funding is the State Game and Fish Fund.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding will be necessary.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No direct or indirect fees will be established.

(10) TIERING: Is tiering applied?

No tiering is applied. This regulation applies to all individuals, businesses, and organizations impacted by the regulations in 301 KAR Chapter 6.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 235.280

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

N/A

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Department's Divisions of Wildlife, Fisheries, Information and Education and Law Enforcement will be impacted.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:No expenditures will be experienced to administer this administrative regulation during the first year.

For subsequent years:No expenditures will be experienced to administer this administrative regulation in subsequent years.

2. Revenues:

For the first year:No revenue will be generated by this administrative regulation during the first year.

For subsequent years:No revenue will be generated by this administrative regulation in subsequent years.

3. Cost Savings:

For the first year:No cost savings will be generated by this administrative regulation during the first year.

For subsequent years:No cost savings will be generated by this administrative regulation in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

N/A

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

N/A

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

There is no fiscal impact of this administrative regulation.

(b) Methodology and resources used to reach this conclusion:

No methodology or resources were used to reach this conclusion as this is administrative regulation only contains definitions to be used in 301 KAR Chapter 6.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

This administrative regulation will not have a major economic impact to any entity identified in the questions above.

(b) The methodology and resources used to reach this conclusion:

No methodology or resources were used to reach this conclusion as this administrative regulation only contains definitions.