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

301 KAR 6:030. Waterway safety requirements.

RELATES TO: KRS 235.240, 235.250, 235.290, 46 C.F.R. 25
STATUTORY AUTHORITY: KRS 235.280, 235.290
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 authorizes the department to promulgate administrative regulations governing the fair, reasonable, equitable and safe use of all waters of Kentucky. This administrative regulation prohibits certain unsafe practices on the waterways of the Commonwealth.

Section 1. Accident Reporting.
(1) The operator of a vessel required by KRS 235.250(2) to file an accident report shall file the report within five (5) days, except that an accident involving death or serious injury shall be filed within forty-eight (48) hours.
(2) An accident report shall contain the following information:
(a) The registration numbers or names of the vessels involved;
(b) The location of the accident;
(c) The weather and water conditions;
(d) The name, address, age and boating experience of the operator of the reporting vessel;
(e) The name and address of the operator of other vessels involved;
(f) The names and addresses of persons killed or injured,
(g) The nature and extent of injuries;
(h) A description of the damage to property and an estimated cost of repairs;
(i) A description of the accident, including opinions as to the cause;
(j) The length, means of propulsion, horsepower, fuel and construction of the reporting vessel; and
(k) The names and addresses of known witnesses.

Section 2. Water Skiing and Related Activities.
(1) A person shall not water ski or tow a person water skiing:
(a) Within 100 feet of a:
1. Commercial boat dock;
2. Moorage harbor; or
3. Swimming area.
(b) Within 2,000 feet of a dam or lock.
(c) In waters posted or marked as a no skiing or restricted area.
(2) A person towing a water skier shall have on board:
(a) In addition to the operator, a person twelve (12) years of age or older, who shall serve as an observer; or
(b) A rear-view mirror with a minimum 160-degree field of vision, mounted so that the operator can observe the activities of the person being towed.
(3) Between sunset and sunrise, a person shall not:

(a) Water ski; or
(b) Operate an airborne device.

(4) A person shall wear a Type I, II, or III personal flotation device while water skiing that is United States Coast Guard approved.

(5) Except during performances authorized by the department in conjunction with a race, regatta or similar activity:

(a) There shall not be more than two (2) airborne devices in the air at one (1) time in a general area.

(b) A person shall not operate an airborne device with a tow line exceeding 150 feet.

(c) A person towing an airborne device shall have on board, in addition to the operator, a person twelve (12) years of age or older, who shall serve as an observer.

Section 3. Operation in Congested Areas or Near Swimmers or Divers.

(1) A person shall not operate a vessel above idle speed:

(a) In a harbor or congested area; or

(b) Within 100 feet of a commercial dock or a generally recognized moorage area.

(2) An operator shall not pass a moored or anchored vessel in a manner or at a speed which could cause the moored or anchored vessel to swamp or capsize.

(3) A person shall not operate a vessel:

(a) In a designated swimming area.

(b) In a manner which would endanger a swimmer or other person in the water.

(c) In a circular course around a swimmer or fisherman.

(4) The operator of a vessel not involved in a diving operation shall remain more than 100 feet from an international diver's flag.

Section 4. Restrictions on Swimming or Diving.

(1) A person shall not swim at a boat launching area.

(2) A person diving with SCUBA or other mechanical diving device shall display an international diver's flag:

(a) At least twelve (12) inches by twelve (12) inches in size; and

(b) With the diagonal stripe at least three (3) inches wide.

(3) Unless actually engaged in diving operations, a person shall not display an international diver's flag on a vessel or on the water.

(4) Except in an emergency, a diver shall not rise to surface further than fifty (50) feet from an international diver's flag.

(5) A diver or swimmer shall not:

(a) Interfere with a fisherman;

(b) Dive or swim in an established traffic lane; or

(c) Obstruct a vessel from proceeding to its destination if a reasonable alternative route is not available.

Section 5. General Boating Safety Requirements.

(1) Taking into consideration the weather and existing operating conditions, a person shall not operate a vessel loaded beyond its safe carrying capacity with:

(a) Passengers; or

(b) Cargo.

(2) If a vessel is operating faster than at idle speed, a person shall not ride:

(a) On an enclosed bow;

(b) Outside the protective railing of a pontoon boat or houseboat;

(c) On a seat which extends six (6) inches above the plane of the gunwales;

(d) On the sides, back, engine cover, seat back; or

(e) In an obviously dangerous position which could lead to falling overboard.

(3) Except during an emergency or for purposes that the operator of a dam may authorize, a person shall not operate, moor, anchor or use a vessel within a posted restricted zone.

Section 6. Waterway Traffic.

(1) The operator of a vessel:

(a) Passing another vessel shall keep to the right.

(b) Overtaking another vessel:

1. May do so on either side; and
2. Shall yield the right-of-way to the vessel being overtaken.

(c) Shall yield the right-of-way to a vessel crossing from the right.

(d) Approaching a dock or pier shall yield the right-of-way to a vessel departing the dock or pier.

(e) Departing a shoreline shall yield the right-of way to a vessel approaching the shoreline.

(f) Shall not change course without first determining that the course change can be made without risk of collision.

(g) If not sure of the course or direction an approaching vessel will take, shall immediately slow to idle speed until the other vessel has passed.

(h) With the right-of-way shall maintain course and speed.

(i) Which is required to yield the right-of-way shall, as necessary:

1. Slacken speed;
2. Stop;
3. Reverse; or
4. Alter course.

(j) In a narrow channel shall keep to the right of midchannel.

(2) An operator of a motorboat shall yield the right-of-way to a vessel being propelled by sail, oars, or other nonmotorized means.

(3) If there is a danger of collision, regardless of which vessel has the right-of-way, the operators of the vessels involved shall:

(a) Slow down;

(b) Stop;

(c) Alter course; or

(d) Reverse until the danger is averted.

(4) An operator shall sound intermittent warning signals in fog or similar situations of restricted visibility if his vessel is:

(a) Underway;

(b) Adrift; or

(c) Anchored or moored outside an established anchorage or mooring field.

(5) An operator shall:

(a) Not interfere with or obstruct the takeoff, landing or taxiing of aircraft;

(b) Maintain complete control of his vessel; and

(c) Not exceed a speed which, given existing conditions, could:

1. Cause a loss of control; or
2. Present a hazard to life or safety.

(6) A vessel operator shall not operate at faster than idle speed within 300 feet of a law enforcement or public safety vessel displaying flashing lights.

(301 KAR 006:030. 21 Ky.R. 3095; eff. 7-12-95; Am. 23 Ky.R. 3401; 3755; eff. 5-14-97; Crt eff. 2-5-2020; 52 Ky.R. 1199; eff. 6-4-2026.)

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 3 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 26, 2026, at 10:00 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 February 28, 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.