

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~~[, 235.320]~~

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~~ and ~~235.320 authorize~~ 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.

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 regulation establishes various rules and requirements for individuals engaging in boating or boating related recreational activities upon the waters of the Commonwealth.

(b) The necessity of this administrative regulation:

This regulation is necessary to ensure safe and equitable use of the waters of the Commonwealth.

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

KRS 235.280 requires the Department to promulgate regulations to govern the fair, reasonable, equitable, and safe use of all waters of this state. This regulation addresses safety concerns related to the fair, reasonable, and equitable use of the waters of the Commonwealth.

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

This regulation sets out the restrictions for various boating and boating related activities to ensure individuals utilizing the waters of the Commonwealth can safely perform the activities while minimizing the impacts to others also utilizing the same waters.

(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:

The amendment removes references to a repealed statute, clarifies that floatation devices are to be US Coast Guard approved, and requires individuals operating motor vessels to minimize their wake when near law enforcement or public safety vessels when their lights are flashing.

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

This amendment is necessary to eliminate references to a repealed regulation, ensure the safety of the citizens utilizing devices approved by the U.S.C.G, and to protect law enforcement or public safety personnel who are actively engaged in their duties.

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

KRS 235.280 requires the Department to promulgate regulations to address the safe use of the waters of the Commonwealth. This amendment addresses specific safety concerns for the use of the waters of the Commonwealth by conforming to language consistent in other Chapter 6 regulations.

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

The amendment improves the safety of the waters of the Commonwealth for the public by ensuring quality standards are met for personal floatation devices and ensuring law enforcement and public safety personnel can safely perform their duties.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, it does not.

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

Individuals making use of the waters of the Commonwealth and those that come into close proximity to law enforcement or public safety vessels with lights flashing while they are operating a motorboat.

(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:

The entities regulated have been required to procure compliant personal floatation devices before this amendment was written according to other 301 KAR Chapter 6 regulations. The entities will have to reduce the vessel speeds to idle speed when in close proximity to law enforcement or public safety vessels with their lights flashing.

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

The majority of all personal floatation devices are already US Coast Guard approved. If the entity needs to replace a non-compliant floatation device, the cost for new products starts around \$25.00.

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

The entities will benefit from floatation devices that meet US Coast Guard standards for their protection from drowning. The entities will also benefit from the speed restrictions near law enforcement or public safety vessels in instances when they are engaging with said vessel personnel by having reduced wakes in their vicinity.

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

(a) Initially:

There will be no added cost to implement this amendment initially.

(b) On a continuing basis:

There will be no added continuing cost to implement this amendment.

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

The Fish and Game 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 to implement this amendment.

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

This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering is not applied. All individuals engaged in the associated activities are required to follow the same requirements and restrictions.

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, 235.290, 46 C.F.R. 25

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

No, this amendment is not expressly authorized by an act of the General Assembly.

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

The Kentucky Department of Fish and Wildlife Resources

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

1. Expenditures:

For the first year:0

For subsequent years:0

2. Revenues:

For the first year:0

For subsequent years:0

3. Cost Savings:

For the first year:0

For subsequent years:0

(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 will be no anticipated fiscal impact.

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

The Department of Fish and Wildlife Resources already polices the waters of the Commonwealth. No additional resources will be necessary to enforce this amendment.

(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):

No, there will not be a major economic impact.

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

The Department of Fish and Wildlife Resources is the only entity that will be impacted by the amendment. The Department already polices the waters of the Commonwealth and no additional resources will be necessary to enforce this amendment.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

46 C.F.R. 25

(2) State compliance standards.

The Kentucky Department of Fish and Wildlife Resources has incorporated the federal regulations into our state regulations.

(3) Minimum or uniform standards contained in the federal mandate.

All flotation devices must meet the standards established by US Coast Guard in 46 C.F.R. 25 including one wearable personal flotation device for each person on board, with additional requirements for certain vessel lengths.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

No, this amendment will only conform with what is currently in place in C.F.R.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A