

235.203 Flotation device for child under twelve on moving boat -- Exceptions.

- (1) All persons under twelve (12) years of age in an open boat or on an open deck of a vessel being used for recreational purposes on the waters of this state shall wear a personal flotation device approved by the United States Coast Guard while the vessel is underway. Any personal flotation devices required by this section shall be in good and serviceable condition, appropriately sized, and properly worn by the person. It shall be unlawful for any person to operate a vessel in violation of this subsection.
- (2) No boat or watercraft owner or operator shall permit a child under the age of twelve (12) years to violate subsection (1) of this section.
- (3) The provisions of this section shall not apply to a child who is a passenger on a commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire or to a toll ferry operating pursuant to a certificate of convenience and necessity or a perpetual and irrevocable franchise operating pursuant to KRS 280.010 to 280.110.
- (4) A charge under subsection (1) or (2) of this section shall be dismissed if the defendant provides to the county attorney or the court proof that the person who was alleged to be under twelve (12) years of age was actually twelve (12) years of age or older. If the information is provided to the county attorney and the county attorney deems the proof sufficient, the county attorney shall seek dismissal of the charge and the defendant shall not be required to appear in court. If the information is presented in court and the court deems the proof sufficient, the court shall dismiss the charge. In either case, court costs shall not be assessed.

Effective: July 14, 2000

History: Created 2000 Ky. Acts ch. 474, sec. 1, effective July 14, 2000.