

**235.240 Prohibition of operation of boat negligently or while intoxicated or drugged -- Consent to test for alcohol or drugs -- Elements of operation under influence of alcohol or other substance.**

- (1) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, in a reckless or negligent manner so as to endanger the life or property of any person.
- (2) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, while intoxicated or under the influence of any other substance which impairs one's driving ability.
- (3) Any person who operates a vessel upon the waters of the Commonwealth shall be deemed to have given consent to a test or tests as accepted by the state's evidentiary mandate for the purpose of determining the operator's alcohol concentration or the presence of other drugs. The test or tests shall be administered at the direction of a law enforcement officer who has probable cause to believe that the operator may have been violating this section.
- (4) For the purposes of enforcing subsection (2) of this section, the elements of the offense are those established in KRS 189A.010(1) to (4), except that the penalties for this offense are set forth in KRS 235.990.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 171, sec. 1, effective June 27, 2019. -- Amended 2000 Ky. Acts ch. 467, sec. 22, effective October 1, 2000. -- Amended 1998 Ky. Acts ch. 22, sec. 3, effective March 3, 1998. -- Created 1960, Ky. Acts ch. 68, Art. VIII, sec. 26, effective March 17, 1960.