

AN ACT relating to boating under the influence.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 235.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of this chapter or administrative regulations adopted under this chapter shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). After July 15, 2000, any person who violates KRS 235.230 shall be fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) and each day the violation continues may constitute a separate offense.

- (2) ***(a)*** Any person who violates ***KRS 235.240(1) shall be***~~[KRS 235.240 shall not be subject to the penalties of KRS Chapter 189A but shall be guilty of a separate offense and]~~ subject to a fine of two hundred dollars (\$200) to two hundred fifty dollars (\$250) for the first offense, a fine of three hundred fifty dollars (\$350) to five hundred dollars (\$500) for the second offense, and a fine of six hundred dollars (\$600) to one thousand dollars (\$1,000) or imprisonment in the county jail for not ***more***~~[less]~~ than thirty (30) days, or both, for the third or subsequent offense.~~[Refusal to submit to a breath alcohol analysis or similar test in violation of KRS 235.240(3) shall be deemed an offense.]~~

***(b) Any person who violates the provisions of KRS 235.240(2) or who refuses to submit to a breath alcohol analysis or similar test in violation of KRS 235.240(3) shall:***

- 1. For the first offense within a five (5) year period, be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days, or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than forty-eight (48)***

hours nor more than thirty (30) days in lieu of fine or imprisonment, or both;

2. For the second offense within a five (5) year period, be fined not less than three hundred fifty dollars (\$350) nor more than five hundred dollars (\$500) and shall be imprisoned in the county jail for not less than seven (7) days nor more than six (6) months and, in addition to fine and imprisonment, may be sentenced to community labor for not less than ten (10) days nor more than six (6) months;
3. For a third offense within a five (5) year period, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall be imprisoned in the county jail for not less than thirty (30) days nor more than twelve (12) months and may, in addition to fine and imprisonment, be sentenced to community labor for not less than ten (10) days nor more than twelve (12) months;
4. For a fourth or subsequent offense within a five (5) year period, be guilty of a Class D felony; and
5. For purposes of this subsection, prior offenses shall include all convictions in this state, and any other state or jurisdiction, for the same offense. A court shall receive as proof of a prior conviction a copy of that conviction, certified by the court ordering the conviction.

- (3) (a) A person may, in addition or in lieu of the penalties specified in subsection (1) or (5) of this section, be required to take a safe-boating course approved by the department or offered by the United States Coast Guard, Coast Guard Auxiliary, or U.S. Power Squadron and to present the court a certificate documenting successful completion of the course.
- (b) A person shall, in addition to the penalties of subsection (2) of this section, be required to take a safe-boating course offered by the department and to present

the court a certificate documenting successful completion of the course. The person attending a class under this paragraph shall pay the department a fee of one hundred dollars (\$100) for the costs of materials and instruction before receiving a certificate of completion.

- (4) After July 15, 2000, any person who violates KRS 235.420 or 235.430 shall be fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100). A person who violates KRS 235.420 or 235.430 shall be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) for the second offense, and not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) for the third or any subsequent offense.
- (5) Any person failing to obey a citation issued in accordance with KRS 235.315 shall be guilty of a separate offense and shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- (6) Any person who makes a false statement regarding a marine boat toilet on the application for registration or renewal registration for a motorboat shall be fined one hundred dollars (\$100). This penalty shall be separate from any other penalty that may be applicable for violation of this chapter.
- (7) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate, or in any other manner interferes with any officer in the discharge of his duties, other than a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 150, or the administrative regulations issued under either of these chapters, shall be guilty of a Class A misdemeanor.
- (8) Any person who commits a criminal homicide or an assault against an officer enforcing the provisions of this chapter, KRS Chapter 150, or the administrative regulations issued under either of these chapters shall be subject to the penalties specified for the offense under KRS Chapter 507 or 508, as appropriate.
- (9) Any person who violates KRS 235.203 shall be fined fifty dollars (\$50).