Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

Part I: Measure Information

Bill Request #: 1029							
Bill #: HB 385							
Bill Subject/Title: AN ACT relating to boat dock and marina safety							
Sponsor: Representative Kevin P. Sinnette							
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment							
Office(s) Impacted: Riverfront developments, Parks							
Requirement: <u>X</u> Mandatory Optional							
Effect on Powers & Duties: Modifies Existing _X Adds New Eliminates Existing							

Part II: Purpose and Mechanics

HB 385 establishes standards for marina and boat dock owners and operators to prevent electrical shocks to persons in boats, in water, and on docks around the structure. It prohibits swimming within 50 yards of a boat dock or marina, except for reasons of search and rescue and requires marina and boat dock compliance by August 1, 2016. The legislation further provides that electrical wiring onboard a rental vessel owned by the dock or marina is to be performed by a licensed electrician. HB 385 also provides criminal sanctions for violation of the legislation.

The bill makes it clear that any electrical work must be done by a holder of a valid Kentucky electrician or master electrician license and that inspections of all sources of electrical supply on boat docks, marinas, and surrounding areas be conducted annually by a Kentucky certified electrical inspector.

"Boat dock" is defined in the bill as "a structure that protrudes into a body of water for the purpose of mooring a boat or for other water-related recreation and that is connected to an electrical power source in any manner." Private landowners who own or operate boat docks or marinas for personal use and do not allow public access are exempted from the definition of a boat dock or marina owner. The penalty provision of HB 385 provides that an initial violation will result in a warning citation being issued with no court appearance or penalty. Subsequent offenses will result in a \$500 fine. The legislation further provides that if a violation of the legislation results in injury, the marine owner or operator is guilty of a Class B misdemeanor, and if the violation results in the death of an individual, the owner or operator will be guilty of a Class A misdemeanor.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 385 on local governments is expected to be a minimal increase in cost.

This proposal could impact larger riverfront facilities such as those owned by Louisville and Paducah. These cities are currently involved in major riverfront construction projects. It could also impact smaller community park facilities similar to Jacobson Park in Lexington. Affected structures include those used for boat dockage, as well as, other water-related activities such as fishing.

Local law enforcement will undoubtedly be called upon to investigate violations of the provisions of HB 385. When convicted of a criminal violation, local governments are responsible for the cost of incarcerating an individual who does not make bail when charged with a misdemeanor offense under the provisions of the act as well as an individual convicted of such an offense. While the expense of housing inmates may vary by jail, each additional inmate will increase facility costs by an estimated average \$31.34 per day.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day.

While there will be some increase in costs to local governments resulting from the investigation and prosecution of violations of HB 385, the number of violators is expected to be **small**, therefore, it is believed that the additional costs will be **minimal**.

Data Source(s):	LRC staff,	Kentucky	Department	of Fish and	Wildlife,	Paducahky.gov;
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Preparer:	Wendell F. Butler	Reviewer:	MCY	Date:	2/6/15