

AN ACT relating to boat dock and marina safety.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 235 IS CREATED TO READ AS FOLLOWS:

(1) All boat dock or marina owners or operators shall comply with the following requirements to prevent electrical shock, electrocution, or injury to users of their facilities and the surrounding areas:

(a) Install and maintain all electrical wiring by a holder of a valid Kentucky electrician license or master electrician license in accordance with the most recently adopted versions of the National Fire Protection Association's Standards for Marinas and Boatyards (NFPA 303) and the National Electric Code (NFPA 70);

(b) Connect all boat dock and marina electrical wiring circuits using ground fault protection;

(c) Cause annual inspection by a Kentucky-certified electrical inspector of all sources of electrical supply, including ship-to-shore power pedestals, submersible pumps, and sewage pump-out facilities, that could result in unsafe electrical current in the water; and

(d) Install permanent safety signage with print legible at eighty (80) feet of distance on every pier and throughout the boat dock or marina that states: "ELECTRIC SHOCK HAZARDS EXIST IN THE WATER. NO SWIMMING."

(2) Electrical maintenance and wiring of a boat dock or marina that leases or rents motorboats or vessels shall be performed by electricians or master electricians licensed in Kentucky, and all work on rental motor boats or vessels shall comply with the electrical standards of the American Boat and Yacht Council.

(3) Swimming shall be strictly prohibited at any location within fifty (50) yards of

any boat dock or marina, except that swimming shall be permitted for reasons of search or rescue in the water in the event of a boating or other emergency. A boat dock or marina owner or operator who is in compliance with the requirements of this section shall not be held criminally or civilly liable for injuries resulting from unauthorized swimming within fifty (50) yards of his or her boat dock or marina.

(4) By August 1, 2016, each boat dock and marina shall be in full compliance with this section and subject to the penalties under subsection (10) of Section 4 of this Act.

(5) This section shall be known as the Samantha Chipley Act.

→Section 2. KRS 235.010 is amended to read as follows:

As used in this chapter, unless the context clearly requires a different meaning:

- (1) "Vessel" means every description of watercraft, other than a seaplane on the water;
- (2) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, except for the following:
 - (a) Boats or vessels propelled totally by a direct current battery-powered motor when used on private waters;
 - (b) Boats propelled by human power employing the use of hand or foot operation;
 - and
 - (c) Federally regulated commercial vessels;
- (3) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;
- (4) "Personal watercraft" means a vessel which uses an internal combustion engine to power a jet pump for its primary source of propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than to be operated by

- a person sitting or standing inside the vessel;
- (5) "Safe boating certificate" means a document attesting the successful completion of instruction, approved by the department or given by the United States Coast Guard or Coast Guard Auxiliary or the United States Power Squadron, to prepare an individual to safely operate a motorboat or personal watercraft on the waters of the Commonwealth;
- (6) "Waters of this state" means any waters within the territorial limits of this state;
- (7) "Person" means an individual, partnership, firm, corporation, association, or other entity;
- (8) "Operate" means to navigate or otherwise use a motorboat or a vessel;
- (9) "Cabinet" means the Tourism, Arts and Heritage Cabinet;
- (10) "Department" means the Department of Fish and Wildlife Resources;
- (11) "License" and "certificate of number" as used herein are synonymous;
- (12) "Clerk" means county clerk;
- (13) "Division of Law Enforcement" means the Division of Law Enforcement, Department of Fish and Wildlife Resources within the Tourism, Arts and Heritage Cabinet;
- (14) "Title" means the certificate of title;
- (15) "Commissioner" means the commissioner of the Department of Fish and Wildlife Resources;
- (16) "Federally regulated commercial vessel" means any vessel holding a United States certificate of documentation with a coastwise trade endorsement;
- (17) "Marina" means a dock, including a boat dock, or basin providing moorings for motorboats and offering supply, repair, or other services, including electrical power supply, for remuneration; ~~and~~
- (18) "Marine sanitation device" means equipment that is identified by the United States Coast Guard as meeting the standards of the United States Environmental

Protection Agency or that is approved by the Energy and Environment Cabinet, to eliminate the discharge of untreated sewage from vessels into the waters of the Commonwealth and is a device that receives, treats, retains, or discharges sewage;

(19) "Boat dock" means 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; and

(20) (a) "Boat dock or marina owner or operator" means any person who:

1. Has an ownership interest in a boat dock or marina, other than a lienholder; or

2. Operates a boat dock or marina.

(b) "Boat dock or marina owner or operator" does not include any private landowner who owns or operates a boat dock or marina for personal use and does not allow public access to the boat dock or marina.

➔Section 3. KRS 235.200 is amended to read as follows:

(1) Every vessel shall have aboard:

- (a) Personal floatation devices of the type and quantity as prescribed by the United States Coast Guard;
- (b) When in operation during hours of darkness, or during times of poor visibility, such lights as prescribed by administrative regulations of the department;
- (c) If carrying or using any inflammable or toxic fluid in any inclosure for any purpose, and if not an entirely open motorboat, an efficient natural or mechanical ventilation system which shall be capable of removing resulting gases prior to and during the time such motorboat is occupied by any person;
- (d) Such additional equipment designed to promote the safety of navigation and of persons as the department may find to be appropriate and for which it has provided in its administrative regulations;
- (e) If such motorboat is equipped with toilet facilities, a storage container or a

treatment or disposal system of size and construction sufficient to protect and preserve the waters of this state from pollution. The storage container or treatment or disposal system shall conform to the construction, performance, and utilization criteria as may be established by regulations promulgated pursuant to this chapter;

(f) The certificate number; ***and***

(g) Any equipment meeting the American Boat and Yacht Council standards that is necessary to ensure the safety of the passengers and the public from electric shock, electrocution, and electric shock drowning.

(2) Electrical wiring on a motorboat shall be performed by an electrician or master electrician licensed in Kentucky.

~~(3)~~~~(2)~~ Except during an authorized race or regatta, which shall include trial runs in preparation for such race or regatta to be conducted at a time and place designated by the department, it shall be illegal to operate any motorboat without an effective exhaust muffling system, or in any manner which renders the exhaust muffling system ineffective in muffling the sound of engine exhaust.

~~(4)~~~~(3)~~ No person shall operate or give permission for the operation of a motorboat which is not equipped as required by this section or modification thereof or which is not safe for operation as a motorboat.

➔Section 4. 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) Any person who violates 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 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.

- (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).

(10) On or after August 1, 2016:

- (a) A boat dock or marina owner or operator who violates Section 1 of this Act, and the violation does not result in the injury or death of a person, shall, for the first offense, be issued a warning citation with no court appearance or penalty, and for a second or subsequent offense, be fined five hundred dollars (\$500);**
- (b) A boat dock or marina owner or operator who violates Section 1 of this Act, and the violation results in the injury of a person, shall be guilty of a Class B misdemeanor; and**
- (c) A boat dock or marina owner who violates Section 1 of this Act, and the violation results in the death of a person, shall be guilty of a Class A misdemeanor.**