

AN ACT relating to abandoned water vessels and making an appropriation therefor.

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

➔Section 1. 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 or basin providing moorings for motorboats and offering supply, repair, or other services 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) "Abandoned water vessel" means a water vessel that:**
- (a) Has been found adrift or unattended in or upon the waters of this state or upon the shores of the Commonwealth; or**
- (b) Is in a wrecked, submerged, inoperative, or partially dismantled condition;**
- and**

(20) "Abandoned dock" means a dock which is unauthorized, not permitted, or left in disrepair such that it creates a hazard to the general safety and welfare of the public.

→SECTION 2. A NEW SECTION OF KRS CHAPTER 235 IS CREATED TO READ AS FOLLOWS:

In order to protect the water supply, to ensure the safety of boaters, sportsmen, and other recreational users, and to enhance the tourism development of the waterways of the Commonwealth, ninety (90) days after the effective date of this Act, the department shall promulgate administrative regulations to:

- (1) Establish criteria and procedures for the removal of abandoned water vessels and abandoned docks from the waters of the Commonwealth;
- (2) Allow for the salvage of any abandoned water vessels and abandoned docks and allow for any proceeds to be placed into the fund established in KRS 150.150; and
- (3) Accept bids and contract with entities to provide for the removal of abandoned water vessels.