

1 AN ACT relating to boat liens and declaring an emergency.

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

3 ➔Section 1. KRS 235.230 is amended to read as follows:

- 4 (1) The owner of a boat marina shall keep a record of the name and address of the  
5 person or persons hiring any vessel which is designed or permitted by him to be  
6 operated as a motorboat; the identification number thereof; and the departure time  
7 and date, and the expected time of return. The record shall be preserved for at least  
8 six (6) months.
- 9 (2) Neither the owner of a boat marina, nor his agent or employee shall permit any  
10 motorboat or any vessel owned or leased by him to be operated as a motorboat to  
11 depart from his premises unless it has been provided, either by the owner or the  
12 renter, with the equipment required pursuant to KRS 235.200 and any rules and  
13 regulations made pursuant thereto, except that the operator need not have the  
14 certificate of registration in his possession.
- 15 (3) The certificate of registration and number for vessels leased or rented by a marina  
16 may be retained on shore by the owner of the marina or his representative at the  
17 place from which the vessel departs or returns to the possession of the livery or his  
18 representative; provided, however, the operator shall have with him a copy of the  
19 lease or rental agreement signed by the marina owner or an authorized  
20 representative of the marina and by the person leasing or renting the vessel that  
21 contains the vessel's number which appears on the certificate of number and the  
22 period of time for which the vessel is leased or rented.
- 23 (4) By July 15, 2000, the owner of a marina shall provide access to sewage pumpout  
24 facilities for the owners of motorboats with marine toilet facilities. For the purpose  
25 of this subsection a sewage pumpout facility means equipment designed to receive  
26 the discharge of sewage from a marine sanitation device and allow the disposal of  
27 the sewage in a manner that prevents the sewage from entering the waters of the

1 state. To provide access to sewage pumpout facilities a marina owner may, by way  
2 of illustration and not to limit the options available to a marina owner:

- 3 (a) Build and operate pumpout facilities;
- 4 (b) Contract with another marina owner with pumpout facilities, if the contracting  
5 marinas are not more than eight (8) water miles apart and accessible in a way  
6 that does not require motorboats to be trailered; and
- 7 (c) Contract with a person licensed under KRS 211.972 to provide pumpout  
8 facility service, if the service is available during normal business hours  
9 including holidays and if the service can be provided within a reasonable time  
10 upon request by a motorboat owner.

11 ~~[(5) For any period of contracted mooring at a marina longer than twenty four (24)~~  
12 ~~hours, the owner of a boat shall provide to the marina owner or his or her agent or~~  
13 ~~employee the title, or equivalent document, for the boat. The owner of the marina or~~  
14 ~~his or her agent or employee shall retain the title or a copy of the title in the marina's~~  
15 ~~records for the period of time, beyond twenty four (24) hours, for which the marina~~  
16 ~~is contracted to provide mooring to the boat.]~~

17 ➔Section 2. KRS 376.270 is amended to read as follows:

18 **(1)** Any person engaged in the business of selling, repairing or furnishing accessories or  
19 supplies for motor vehicles shall have a lien on the motor vehicle for the reasonable  
20 or agreed charges for repairs, work done or accessories or supplies furnished for the  
21 vehicle, and for storing or keeping the vehicle, and, **except as provided for boats in**  
22 **subsection (2) of this section,** may detain any motor vehicle in his possession on  
23 which work has been done by him until the reasonable or agreed charge therefor has  
24 been paid. The lien shall not be lost by the removal of the motor vehicle from the  
25 garage or premises of the person performing labor, repairing or furnishing  
26 accessories or supplies therefor, if the lien shall be asserted within six (6) months by  
27 filing in the office of the county clerk a statement showing the amount and cost of

1 materials furnished or labor performed on the vehicle. The statement shall be filed  
2 in the same manner as provided in the case of a mechanic's and materialman's lien,  
3 after the removal of the vehicle, unless the owner of the vehicle consents to an  
4 additional extension of time, in which event the lien shall extend for the length of  
5 time the parties agree upon. The agreement shall be reduced to writing and signed  
6 by the parties thereto.

7 **(2) A marina shall not interfere with a boat owner's right to take possession of his or**  
8 **her boat and remove it from the marina, including a boat against which the**  
9 **marina has commenced a civil action to enforce a possessory lien prior to the**  
10 **effective date of this Act.**

11 ➔Section 3. The following KRS section is repealed:

12 376.272 Marina may enforce lien on boat asserted pursuant to KRS 376.270 by civil  
13 action.

14 ➔Section 4. Due to the adverse effect of impounding boats upon the boat owners,  
15 an emergency is declared to exist and Sections 2 and 3 of this Act take effect upon its  
16 passage and approval by the Governor or upon its otherwise becoming law.