

1 AN ACT relating to boating safety.

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

3 ➔Section 1. KRS 235.285 is amended to read as follows:

- 4 (1) A personal watercraft may be used to tow individuals engaged in waterskiing or
5 similar activities if it has adequate seating capacity and an observer on board to
6 monitor the progress of the person being towed, or if it is equipped with a rearview
7 mirror with a minimum field of vision of one hundred sixty (160) degrees mounted
8 so that the operator can observe the activities of the person being towed.
- 9 (2) A person shall not operate a personal watercraft on public waters unless every
10 individual operating or riding on the personal watercraft is wearing a personal
11 flotation device that is approved by the United States Coast Guard under 46 C.F.R.
12 sec. 160, as it may be amended or renumbered.
- 13 (3) A personal watercraft that does not have self-circling capability shall not be
14 operated on public waters unless:
- 15 (a) The personal watercraft is equipped with a lanyard-type engine cutoff switch;
16 and
- 17 (b) The lanyard is attached to the person, clothing, or personal flotation device of
18 the operator.
- 19 (4) A vessel operated on public waters shall be operated at all times according to the
20 provisions of this chapter and the administrative regulations promulgated hereunder.
21 A vessel shall be operated at all times in a reasonable and prudent manner so as not
22 to endanger human life, human physical safety, or property. A person shall not do
23 any of the following while operating a vessel on public waters:
- 24 (a) Weave through congested watercraft traffic in a way that endangers human
25 life, human physical safety, or property;
- 26 (b) Follow a watercraft that is towing an individual on water skis, a surfboard, or
27 a water sport device in a way that endangers human life, human physical

- 1 safety, or property;
- 2 (c) Jump the wake of another watercraft in a way that endangers human life,
- 3 human physical safety, or property;
- 4 (d) Cut between a boat and the individual or individuals being towed by the boat;
- 5 (e) Cross paths with another watercraft when visibility around the other
- 6 watercraft is so obstructed as to endanger human life, human physical safety,
- 7 or property; or
- 8 (f) Steer a personal watercraft or motorboat toward an object or individual in the
- 9 water and turn sharply at close range in a way that endangers human life,
- 10 human physical safety, or property.
- 11 (5) A person shall not operate a personal watercraft on public waters at any time
- 12 between sunset and the following sunrise.
- 13 (6) A person shall not operate a vessel within fifty (50) feet of a commercial motor
- 14 vessel and its tow which is in operation on a waterway, except if the operator of the
- 15 commercial motor vessel has given his or her consent.
- 16 (7) (a) A person under twelve (12) years of age shall not operate a personal watercraft
- 17 or motorboat over ten (10) horsepower on the public waters of the
- 18 Commonwealth.
- 19 (b) ~~[Effective January 1, 1999,]~~A person **born on or after January 1,**
- 20 **1975,**~~[twelve (12) years of age through seventeen (17) years of age]~~ shall not
- 21 operate a personal watercraft or motorboat over ten (10) horsepower on the
- 22 public waters of the Commonwealth unless the person is in possession of a:
- 23 **1.** ~~[safe boating certificate or is accompanied, on board, by a person~~
- 24 ~~eighteen (18) years of age or older or in possession of a safe boating~~
- 25 ~~certificate.~~
- 26 ~~(e) While operating a motorboat or a personal watercraft over ten (10)~~
- 27 ~~horsepower on the public waters of the Commonwealth, nonresidents twelve~~

1 ~~(12) years of age through seventeen (17) years of age shall have in their~~
2 ~~possession a]Kentucky safe boating ***certification card***;~~~~[certificate or a]~~

3 **2.** Recognized and equivalent boat operator licensing or safe boating
4 certificate from another state or country, **a United States government**
5 **agency, or other entity approved by the National Association of State**
6 **Boating Law Administrators; or**

7 **3. Safe boating certification temporary exemption from the department.**

8 **(c) A person operating a personal watercraft or motorboat with a safe boating**
9 **certification temporary exemption shall present to a law enforcement officer**
10 **upon request his or her exemption number or a printed copy of the**
11 **exemption issued by the department.**

12 **(d) Between the effective date of this Act and July 1, 2023, all law enforcement**
13 **agencies in this state shall be required to issue a courtesy warning rather**
14 **than a citation to persons who violate paragraph (b) or (c) of this**
15 **subsection. The courtesy warning shall not include a fine or any other**
16 **penalty, but shall inform the violator of the amount of the fine that would**
17 **have been assessed for a violation of paragraph (b) or (c) of this subsection**
18 **and the date the courtesy warnings will end. The courtesy warning shall**
19 **also include educational materials on the benefits of complying with**
20 **paragraphs (b) and (c) of this subsection.**

21 (8) Subsections (1) to (6) of this section shall not apply to:

22 (a) A performer engaged in a professional exhibition; or

23 (b) A person participating in a regatta, a race, a marine parade, a tournament, or
24 an exhibit that is held in compliance with administrative regulations adopted
25 by the department.

26 (9) The parent, legal guardian, or other adult who has direct supervision over a minor
27 under the age of eighteen (18) shall not knowingly authorize or permit the minor to

1 operate a motorboat or personal watercraft in violation of this section.

2 ➔Section 2. KRS 235.990 is amended to read as follows:

- 3 (1) *Except as provided in subsection (7)(d) of Section 1 of this Act,* any person who
4 violates any of the provisions of this chapter or administrative regulations adopted
5 under this chapter shall be fined not less than fifty dollars (\$50) nor more than two
6 hundred dollars (\$200). After July 15, 2000, any person who violates KRS 235.230
7 shall be fined not less than fifteen dollars (\$15) nor more than one hundred dollars
8 (\$100) and each day the violation continues may constitute a separate offense.
- 9 (2) Any person who violates KRS 235.240 shall not be subject to the penalties of KRS
10 Chapter 189A but shall be guilty of a separate offense and subject to a fine of two
11 hundred dollars (\$200) to two hundred fifty dollars (\$250) or imprisonment for
12 twenty-four (24) hours for the first offense, a fine of three hundred fifty dollars
13 (\$350) to five hundred dollars (\$500) or imprisonment for forty-eight (48) hours for
14 the second offense, and a fine of six hundred dollars (\$600) to one thousand dollars
15 (\$1,000) or imprisonment in the county jail for not less than thirty (30) days, or
16 both, for the third or subsequent offense. Refusal to submit to a breath alcohol
17 analysis or similar test in violation of KRS 235.240(3) shall be deemed an offense.
- 18 (3) (a) A person may, in addition or in lieu of the penalties specified in subsection (1)
19 or (5) of this section, be required to take a safe-boating course approved by the
20 department or offered by the United States Coast Guard, Coast Guard
21 Auxiliary, or U.S. Power Squadron and to present the court a certificate
22 documenting successful completion of the course.
- 23 (b) A person shall, in addition to the penalties of subsection (2) of this section, be
24 required to take a safe-boating course offered by the department and to present
25 the court a certificate documenting successful completion of the course. The
26 person attending a class under this paragraph shall pay the department a fee of
27 one hundred dollars (\$100) for the costs of materials and instruction before

1 receiving a certificate of completion.

2 (4) After July 15, 2000, any person who violates KRS 235.420 or 235.430 shall be
3 fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100). A
4 person who violates KRS 235.420 or 235.430 shall be fined not less than one
5 hundred dollars (\$100) nor more than three hundred dollars (\$300) for the second
6 offense, and not less than three hundred dollars (\$300) nor more than five hundred
7 dollars (\$500) for the third or any subsequent offense.

8 (5) Any person failing to obey a citation issued in accordance with KRS 235.315 shall
9 be guilty of a separate offense and shall be fined not less than fifty dollars (\$50) nor
10 more than two hundred dollars (\$200).

11 (6) Any person who makes a false statement regarding a marine boat toilet on the
12 application for registration or renewal registration for a motorboat shall be fined one
13 hundred dollars (\$100). This penalty shall be separate from any other penalty that
14 may be applicable for violation of this chapter.

15 (7) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate,
16 or in any other manner interferes with any officer in the discharge of his duties,
17 other than a criminal homicide or an assault against an officer enforcing the
18 provisions of this chapter, KRS Chapter 150, or the administrative regulations
19 issued under either of these chapters, shall be guilty of a Class A misdemeanor.

20 (8) Any person who commits a criminal homicide or an assault against an officer
21 enforcing the provisions of this chapter, KRS Chapter 150, or the administrative
22 regulations issued under either of these chapters shall be subject to the penalties
23 specified for the offense under KRS Chapter 507 or 508, as appropriate.

24 (9) Any person who violates KRS 235.203 shall be fined fifty dollars (\$50).