

1 AN ACT relating to boating under the influence.

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

3 ➔Section 1. KRS 235.240 is amended to read as follows:

4 (1) A person shall not operate any motorboat or vessel, or manipulate any water skis,
5 surfboard, or similar device, in a reckless or negligent manner so as to endanger the
6 life or property of any person.

7 (2) A person shall not operate any motorboat or vessel, or manipulate any water skis,
8 surfboard, or similar device, while intoxicated or under the influence of any other
9 substance which impairs one's driving ability.

10 (3) *(a)* Any person who operates a motorboat or vessel upon the waters of the
11 Commonwealth shall be deemed to have given consent to a test or tests as
12 accepted by the state's evidentiary mandate for the purpose of determining the
13 operator's alcohol concentration or the presence of other drugs. The test or
14 tests shall be administered at the direction of a law enforcement officer who
15 has probable cause to believe that the operator may have been violating this
16 section.

17 *(b) If a motorboat or vessel causes an accident that results in a fatality or*
18 *serious physical injury that creates a substantial risk of death, serious or*
19 *prolonged disfigurement, prolonged impairment of health, or prolonged loss*
20 *or impairment of the function of any bodily organ, the investigating law*
21 *enforcement officer shall seek a search warrant for blood testing of the*
22 *operator of the motorboat or vessel unless the testing has already been done*
23 *by consent.*

24 (4) For the purposes of enforcing subsection (2) of this section, the elements of the
25 offense are those established in KRS 189A.010(1) to (4), and the penalties and
26 aggravating circumstances for the offense are the same as those established in
27 KRS 189A.010(5) to (12)~~except that the penalties for this offense are set forth in~~

1 KRS 235.990].

2 (5) In addition to all other penalties, a person found guilty of violating subsection (2)
3 of this section shall take a safe-boating course offered by the department and
4 shall present to the court a certificate documenting successful completion of the
5 course. The person attending a class under this subsection shall pay the
6 department a fee of one hundred dollars (\$100) for the costs of materials and
7 instruction before receiving a certificate of completion.

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

9 (1) Any person who violates any of the provisions of this chapter or administrative
10 regulations adopted under this chapter shall be fined not less than fifty dollars (\$50)
11 nor more than two hundred dollars (\$200). After July 15, 2000, any person who
12 violates KRS 235.230 shall be fined not less than fifteen dollars (\$15) nor more
13 than one hundred dollars (\$100) and each day the violation continues may
14 constitute a separate offense.

15 (2) ~~Any person who violates KRS 235.240 shall not be subject to the penalties of KRS~~
16 ~~Chapter 189A but shall be guilty of a separate offense and subject to a fine of two~~
17 ~~hundred dollars (\$200) to two hundred fifty dollars (\$250) or imprisonment for~~
18 ~~twenty four (24) hours for the first offense, a fine of three hundred fifty dollars~~
19 ~~(\$350) to five hundred dollars (\$500) or imprisonment for forty eight (48) hours for~~
20 ~~the second offense, and a fine of six hundred dollars (\$600) to one thousand dollars~~
21 ~~(\$1,000) or imprisonment in the county jail for not less than thirty (30) days, or~~
22 ~~both, for the third or subsequent offense. Refusal to submit to a breath alcohol~~
23 ~~analysis or similar test in violation of KRS 235.240(3) shall be deemed an offense.~~

24 (3) (a) A person may, in addition or in lieu of the penalties specified in subsection (1)
25 or ~~(4)~~~~(5)~~ of this section, be required to take a safe-boating course approved by the
26 department or offered by the United States Coast Guard, Coast Guard Auxiliary, or
27 U.S. Power Squadron and to present the court a certificate documenting successful

1 completion of the course.}

2 (b) ~~A person shall, in addition to the penalties of subsection (2) of this section, be~~
3 ~~required to take a safe boating course offered by the department and to~~
4 ~~present the court a certificate documenting successful completion of the~~
5 ~~course. The person attending a class under this paragraph shall pay the~~
6 ~~department a fee of one hundred dollars (\$100) for the costs of materials and~~
7 ~~instruction before receiving a certificate of completion.]~~

8 (3) ~~(4) After July 15, 2000, }~~ Any person who violates KRS 235.420 or 235.430 shall
9 be fined:

10 (a) **For the first offense**, not less than fifteen dollars (\$15) nor more than one
11 hundred dollars (\$100);

12 (b) **For the second offense**, ~~A person who violates KRS 235.420 or 235.430~~
13 ~~shall be fined~~ not less than one hundred dollars (\$100) nor more than three
14 hundred dollars (\$300); **and**

15 (c) **For the third or subsequent offense**, ~~for the second offense, and~~ not less
16 than three hundred dollars (\$300) nor more than five hundred dollars (\$500) ~~for the third or any subsequent offense~~.

17 (4)~~(5)~~ Any person failing to obey a citation issued in accordance with KRS 235.315
18 shall be guilty of a separate offense and shall be fined not less than fifty dollars
19 (\$50) nor more than two hundred dollars (\$200).

20 (5)~~(6)~~ Any person who makes a false statement regarding a marine boat toilet on the
21 application for registration or renewal registration for a motorboat shall be fined
22 one hundred dollars (\$100). This penalty shall be separate from any other penalty
23 that may be applicable for violation of this chapter.

24 (6)~~(7)~~ Any person who resists, obstructs, interferes with, threatens, attempts to
25 intimidate, or in any other manner interferes with any officer in the discharge of his
26 duties, other than a criminal homicide or an assault against an officer enforcing the

1 provisions of this chapter, KRS Chapter 150, or the administrative regulations
2 issued under either of these chapters, shall be guilty of a Class A misdemeanor.

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

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

8 ➔ SECTION 3. A NEW SECTION OF KRS 15.530 TO 15.590 IS CREATED TO
9 READ AS FOLLOWS:

10 In addition to all other required dispatches and reports, a public safety
11 telecommunicator who receives a report of an accident involving a motorboat or vessel
12 on any waters within the jurisdiction of the Commonwealth shall immediately report
13 the accident, or cause a report of the accident to be made, to the post of the Department
14 of Kentucky State Police covering where the accident occurred.

15 ➔ Section 4. This Act may be cited as Keegan's Law.