

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2026 REGULAR SESSION
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Amend printed copy of **SB 66/HCS 1**

On page 14, after line 26, insert the following:

"➔Section 5. 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

Amendment No. HFA

Rep. Rep. Ken Fleming

Committee Amendment

Signed:

Floor Amendment

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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- 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 administratively attached to 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

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untreated sewage from vessels into the waters of the Commonwealth and is a device that receives, treats, retains, or discharges sewage.

➔Section 6. KRS 235.240 is amended to read as follows:

- (1) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, in a reckless or negligent manner so as to endanger the life or property of any person.
- (2) A person shall not operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device, while intoxicated or under the influence of any other substance which impairs one's driving ability.
- (3) (a) Any person who operates a **motorboat or** vessel upon the waters of the Commonwealth shall be deemed to have given consent to a test or tests as accepted by the state's evidentiary mandate for the purpose of determining the operator's alcohol concentration or the presence of other drugs. The test or tests shall be administered at the direction of a law enforcement officer who has probable cause to believe that the operator may have been violating this section.
(b) *If a motorboat or vessel causes an accident that results in a fatality or serious physical injury that creates a substantial risk of death, serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ, the investigating law enforcement officer shall seek a search warrant for blood testing of the operator of the motorboat or vessel unless the testing has already been done by consent.*
- (4) For the purposes of enforcing subsection (2) of this section, the elements of the offense are those established in KRS 189A.010(1) to (4), except that the penalties for this offense are set forth in KRS 235.990.

➔Section 7. KRS 235.990 is amended to read as follows:

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- (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) **(a)** 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:
- 1.** ***For the first offense,*** a fine of two hundred dollars (\$200) to two hundred fifty dollars (\$250) or imprisonment for twenty-four (24) hours;
 - 2.** ***For the second offense*** ~~for the first offense~~, a fine of three hundred fifty dollars (\$350) to five hundred dollars (\$500) or imprisonment for forty-eight (48) hours; **and**
 - 3.** ***For the third and subsequent offenses,*** ~~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~~.
- (b)** 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 **to** 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

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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:
- (a) For the first offense,** not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100);
- (b) For the second offense,**~~{ 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); **and**
- (c) For the third and each subsequent offense,**~~{ 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.

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- (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).

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

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

➔Section 9. Sections 5 to 8 of this Act may be cited as Keegan's Law."