

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2026 Regular Session**

## Part I: Measure Information

<b>Bill Request #:</b>	126	<b>Bill #:</b>	HB 168/HCS 1
<b>Document ID #:</b>	3896	<b>Sponsor:</b>	Rep. Ken Fleming
<b>Bill Title:</b>	AN ACT relating to boating under the influence.		

Unit of Government: ☒ City ☒ County ☒ Urban-County  
☒ Charter County ☒ Consolidated Local ☒ Unified Local

Office(s) Impacted: Local Law Enforcement, Jails

Requirement:      ☒ Mandatory      ☐ Optional

Effect on Powers  
& Duties:      ☒ Modifies Existing      ☒ Adds New      ☐ Eliminates Existing

Other Fiscal Statement(s) that may exist: ☐ Actuarial Analysis ☒ Corrections Impact  
☐ Health Benefit Mandate ☐ State Employee Health Plan

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Section 1 of HB 168/HCS 1 would amend KRS 235.240 to extend existing testing requirements for persons suspected of intoxication while operating vessels on water to expressly include motorboats. It would require that when a motorboat or water vessel is involved in a fatal accident or an accident resulting in serious physical injury, a law enforcement officer must seek a search warrant for a blood test of the operator unless the operator has already consented to testing.

Section 1 would also apply the penalties and aggravating circumstances for boating under the influence offenses to those established in KRS 189A.010(5) to (12) for operating or being in control of a motor vehicle while impaired. Under KRS 189A.010(5) to (12), penalties increase based on the number of offenses within a ten-year period. A first offense carries fines of two hundred dollars to five hundred dollars, jail time of forty-eight hours to thirty days, or both, with the option of community labor, and a mandatory minimum of four days if aggravating circumstances are present. A second offense increases fines and requires jail time of seven days to six months, with a mandatory

minimum of fourteen days if aggravated. A third offense increases penalties further to thirty days to twelve months of incarceration, with a mandatory minimum of sixty days if aggravated. A fourth or subsequent offense within ten years would be classified as a Class D felony, with a mandatory minimum of two hundred forty days if aggravating circumstances are present. 189A.010(12) enumerates the substances applicable to a prosecution under the statute.

In addition, Section 1 would require a person who operates a motorboat or vessel, or manipulates water skis, a surfboard, or a similar device while under the influence of alcohol or drugs, to complete a safe boating course and pay a one-hundred-dollar fee for course costs.

Section 2 of HB 168/HCS 1 would amend KRS 235.990 to remove current language that excludes violations of KRS 235.240 from the penalties in KRS Chapter 189A and instead subjects offenders to separate misdemeanor penalties specific to boating offenses. It would also remove existing standalone fine and jail penalty provisions for first and subsequent offenses, as well as duplicative safe boating course requirements and fees and would clarify that fines are applied using a tiered penalty structure.

Section 3 of HB 168/HCS 1 would create a new section within KRS 15.530 to 15.590 to require a public safety telecommunicator who receives a report of an accident involving a motorboat or vessel on Kentucky waters to immediately report the accident to the Department of Kentucky State Police.

**The fiscal impact of HB 168/HCS 1 on local governments is indeterminable but is expected to range from minimal to significant depending on the extent of navigable water within a jurisdiction.**

The impact would not be uniform across counties. A map produced by the Kentucky Department of Transportation shows that some counties have extensive navigable waterways while others have none. Jurisdictions with greater access to navigable waterways are therefore more likely to experience higher enforcement, prosecution, and incarceration costs than jurisdictions with limited or no such waterways.

By applying motor vehicle driving under the influence penalties to boating under the influence offenses, the bill would increase jail sentences for certain offenses, which would affect county jails and other local correctional services. State correctional services would also be affected because a fourth or subsequent offense within ten years would be classified as a Class D felony.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$47.43, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a

Class D felon is housed in one of Kentucky's full-service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** Kentucky Department of Transportation; LRC Staff

**Preparer:** AS **Reviewer:** BW (MDA) **Date:** 1/26/26