

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 6:070. Boat dealers.

RELATES TO: KRS 235.040, 235.220

STATUTORY AUTHORITY: KRS 235.220(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.220 authorizes the department to establish an annual registration fee for a manufacturers or dealer of motorboats in the state of Kentucky. This administrative regulation establishes the annual registration fee for boat manufacturers and dealers and establishes the requirements for registering as a boat manufacturer and boat dealer.

Section 1. Definitions.

- (1) "Boat dealer" means a person who is in the business of selling motorboats in Kentucky, other than a personal boat.
- (2) "Boat manufacturer" means a person who is in the business of manufacturing boats in Kentucky.
- (3) "Dealer or manufacturer certificate" means the certificate issued to a boat manufacturer or boat dealer that bears an identification number assigned by the department signifying registration as a boat manufacture or a boat dealer.
- (4) "Plate" means a moveable identification tag bearing a number assigned by the department signifying registration as a boat manufacture or a boat dealer.

Section 2. Application.

- (1) A person shall apply annually for a boat manufacturer's or boat dealer's registration on an application provided by the department or via the department's Internet site.
- (2) A new application for annual registration shall be submitted each year to the department. Boat manufacturer and dealer certificates and plates shall expire April 30 of each year.
- (3) Information to be provided on the application shall include:
 - (a) Name, address, and contact information;
 - (b) Address of business;
 - (c) Number of boats manufactured or sold in the year prior to application;
 - (d) Type of vessel manufactured or sold; and
 - (e) Copy of the Sales and Use Tax Permit issued by the Revenue Cabinet. If an applicant is using the Internet to process his or her application, he shall insert the six (6) digit account number issued by the Revenue Cabinet on the Sales and Use Tax Permit.
- (4) A manufacturer shall include on an application for annual registration the assigned U.S. Coast Guard assigned manufacturers identification code.
- (5) An applicant shall include a \$100 annual registration fee with his or her application.
- (6) The registration provisions of this section shall not apply to licensed out-of-state manufacturers and dealers who are attending boat shows and other temporary exhibitions in Kentucky, provided their home state grants Kentucky manufacturers and dealers similar reciprocal privileges.

Section 3. Certification and Plate.

- (1) Boat manufacturers and dealers shall place in a conspicuous location at his or her place of business, the certificate issued by the department.
- (2) The plate shall be kept aboard a boat and readily available for inspection by a law enforcement officer. The boat shall also abide by the registration requirements of KRS

235.220.

Section 4. Revocation of Certificate and Registration. A boat dealer or manufacturer shall forfeit his or her registration certificate and plate if he or she has:

- (1) Been convicted of a violation of KRS Chapter 235;
- (2) Falsified his or her application for certification as a boat manufacturer or dealer; or
- (3) Misused his or her boat dealer or manufacturer certification and plate.

Section 5. Incorporation by Reference.

(1) The Annual Application for Boat Manufacturer or Boat Dealer Registration, 2003 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

(30 Ky.R. 1149; Am. 1767; eff. 1-23-2004; 48 Ky.R. 917; eff. 3-1-2022.)

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: July 14, 2021

FILED WITH LRC: August 5, 2021 at 9:22 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 25, 2021 at 3:00 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone: (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov