

1 AN ACT relating to motorboats and making an appropriation therefor.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO
4 READ AS FOLLOWS:

5 *Federally documented vessels not used in the business of transporting persons or*
6 *property for compensation or hire, or for other commercial purposes, shall be exempt*
7 *from state and local ad valorem taxes, including in the county, city, school, and other*
8 *taxing district in which they have a taxable situs.*

9 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 235 IS CREATED TO
10 READ AS FOLLOWS:

11 *(1) (a) Except as provided in paragraph (b) of this subsection, the owner or*
12 *operator of any motorboat on the waters of the Commonwealth shall pay an*
13 *annual waterway usage fee, when the motorboat is:*

14 *1. Documented with the United States Coast Guard;*

15 *2. Not primarily located in the Commonwealth; or*

16 *3. Not registered in accordance with KRS 235.040.*

17 *(b) The waterway usage fee shall not apply when a motorboat is owned by the*
18 *United States, a state, or a subdivision thereof and is on the waters of the*
19 *Commonwealth for official government use.*

20 *(2) The amount of the annual waterway usage fee shall be as follows:*

21 *(a) Forty dollars (\$40) for motorboats that are under sixteen (16) feet in length;*

22 *(b) Seventy-five dollars (\$75) for motorboats that are at least sixteen (16) feet in*
23 *length, but less than twenty-six (26) feet in length;*

24 *(c) One hundred fifty dollars (\$150) for motorboats that are at least twenty-six*
25 *(26) feet in length, but less than forty (40) feet in length; and*

26 *(d) Three hundred fifty dollars (\$350) for motorboats that are at least forty (40)*
27 *feet in length or greater.*

1 (3) The waterway usage fee shall be in addition to any other fees assessed on the
2 motorboat.

3 (4) All moneys derived from the collection of the waterway usage fee shall be
4 promptly remitted to the State Treasurer for deposit into the waterway usage fund
5 established in Section 3 of this Act, except for the transaction fee permitted by
6 subsection (6) of this section, which shall be deducted before payment to the
7 depository.

8 (5) (a) The Department of Revenue shall distribute the moneys in the waterway
9 usage fund as follows:

10 1. First, fifteen percent (15%) of the total moneys in the fund to the
11 Department of Fish and Wildlife Resources for the enforcement of the
12 waterway usage fee;

13 2. Second, distribute moneys to the state, county, city, consolidated local
14 government, urban-county government, school, and other taxing
15 districts until each taxing district receives an amount equal to the
16 amount of tax revenues that the taxing district received from the
17 January 1, 2022, ad valorem tax assessment of federally documented
18 vessels not used in the business of transporting persons or property for
19 compensation or hire, or for other commercial purposes; and

20 3. Lastly, the remaining moneys to the Kentucky lakes and rivers tourism
21 fund established in Section 4 of this Act.

22 (b) If, in any year, the total revenue collected from the waterway usage fee is
23 not sufficient to cover the distribution in paragraph (a)2. of this subsection,
24 each taxing district shall receive a pro rata reduction in revenues.

25 (6) (a) The waterway usage fee shall be considered a permit for the purpose of KRS
26 150.195 and shall be collected in the same manner as permits under that
27 section.

1 **(b) The owner or operator of the motorboat shall receive a waterway usage**
2 **sticker in receipt of full payment of the waterway usage fee. The owner or**
3 **operator of the motorboat shall immediately display the sticker on each side**
4 **of the motorboat's bow.**

5 **(c) In the event the owner or operator of the motorboat purchases a permit**
6 **online, the receipt from the transaction shall serve as a permit until a**
7 **sticker is received by the owner or operator.**

8 **(d) For the performance of the duties required by this section, the authorized**
9 **collector of the waterway usage fee may retain a transaction fee in an**
10 **amount that is equal to the fee amounts authorized by the Department of**
11 **Fish and Wildlife Resources for the sale of licenses and tags listed under**
12 **KRS 150.175.**

13 **(7) Nothing in this section shall be interpreted or construed to invalidate any**
14 **requirements to register a motorboat under KRS Chapter 235 or pay ad valorem**
15 **taxes under KRS Chapters 132, 133, and 134.**

16 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 235 IS CREATED TO
17 READ AS FOLLOWS:

18 **(1) The waterway usage fund is hereby created as a separate trust fund. The fund**
19 **shall be administered by the Department of Revenue.**

20 **(2) The fund shall receive amounts collected from the waterway usage fee established**
21 **in Section 2 of this Act.**

22 **(3) Moneys in the fund collected in the preceding year shall be disbursed by April 15**
23 **of each year in accordance with subsection (5) of Section 2 of this Act.**

24 **(4) Notwithstanding KRS 45.229, fund amounts not expended at the close of the**
25 **fiscal year shall not lapse but shall be carried forward to the next fiscal year.**

26 **(5) Any interest earnings in the fund shall be combined with the waterway usage fee**
27 **revenue and are hereby appropriated for disbursement in accordance with**

1 subsection (5) of Section 2 of this Act.

2 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) The Kentucky lakes and rivers tourism fund is hereby created as a separate trust
5 fund administered by the Tourism, Arts and Heritage Cabinet.

6 (2) The fund shall consist of amounts received from the waterway usage fund
7 established in Section 3 of this Act, appropriations, gifts, grants, federal funds, or
8 any other funds, both public and private, made available for the purpose set forth
9 in this section.

10 (3) (a) The Cabinet shall make grants of money from the fund to marinas located
11 in counties where the fiscal court received tax revenues from the January 1,
12 2022, ad valorem tax assessment of motorboats. All grants of money shall
13 be:

14 1. Distributed through an application process managed and executed by
15 Tourism, Arts and Heritage Cabinet;

16 2. Used for the purpose of promoting tourism activities on the waters of
17 the Commonwealth through direct marketing and advertising; and

18 3. Contingent upon the governing body of the local government or
19 private entities providing a match in dollars of at least twenty percent
20 (20%) of the amount requested from the fund.

21 (b) The Tourism, Arts and Heritage Cabinet shall promulgate administrative
22 regulations to establish an application and approval process for the grants
23 of money from the fund

24 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of the
25 fiscal year shall not lapse but shall be carried forward to the next fiscal year.

26 (5) Any interest earnings in the fund shall become part of the fund and shall not
27 lapse.

1 **(6) Moneys deposited in the fund are hereby appropriated for the purposes set forth**
2 **in this section and shall not be appropriated or transferred for any other purpose.**

3 ➔Section 5. KRS 235.990 is amended to read as follows:

4 (1) Any person who violates any of the provisions of this chapter or administrative
5 regulations adopted under this chapter shall be fined not less than fifty dollars (\$50)
6 nor more than two hundred dollars (\$200) **unless otherwise stated in this section.**

7 After July 15, 2000, any person who violates KRS 235.230 shall be fined not less
8 than fifteen dollars (\$15) nor more than one hundred dollars (\$100) and each day
9 the violation continues may constitute a separate offense.

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

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

24 (b) A person shall, in addition to the penalties of subsection (2) of this section, be
25 required to take a safe-boating course offered by the department and to
26 present the court a certificate documenting successful completion of the
27 course. The person attending a class under this paragraph shall pay the

1 department a fee of one hundred dollars (\$100) for the costs of materials and
2 instruction before receiving a certificate of completion.

- 3 (4) After July 15, 2000, any person who violates KRS 235.420 or 235.430 shall be
4 fined not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100).
5 A person who violates KRS 235.420 or 235.430 shall be fined not less than one
6 hundred dollars (\$100) nor more than three hundred dollars (\$300) for the second
7 offense, and not less than three hundred dollars (\$300) nor more than five hundred
8 dollars (\$500) for the third or any subsequent offense.
- 9 (5) Any person failing to obey a citation issued in accordance with KRS 235.315 shall
10 be guilty of a separate offense and shall be fined not less than fifty dollars (\$50) nor
11 more than two hundred dollars (\$200).
- 12 (6) Any person who makes a false statement regarding a marine boat toilet on the
13 application for registration or renewal registration for a motorboat shall be fined
14 one hundred dollars (\$100). This penalty shall be separate from any other penalty
15 that may be applicable for violation of this chapter.
- 16 (7) Any person who resists, obstructs, interferes with, threatens, attempts to intimidate,
17 or in any other manner interferes with any officer in the discharge of his or her
18 duties, other than a criminal homicide or an assault against an officer enforcing the
19 provisions of this chapter, KRS Chapter 150, or the administrative regulations
20 issued under either of these chapters, shall be guilty of a Class A misdemeanor.
- 21 (8) Any person who commits a criminal homicide or an assault against an officer
22 enforcing the provisions of this chapter, KRS Chapter 150, or the administrative
23 regulations issued under either of these chapters shall be subject to the penalties
24 specified for the offense under KRS Chapter 507 or 508, as appropriate.
- 25 (9) Any person who violates KRS 235.203 shall be fined fifty dollars (\$50).
- 26 **(10) Any person who fails to pay the waterway usage fee as required by Section 2 of**
27 **this Act shall be fined five hundred dollars (\$500). Prior to issuing a citation, the**

1 Department of Fish and Wildlife Resources enforcement officer may issue a
2 warning notice giving the offender a specified period of time in which to pay the
3 waterway usage fee. If the person to whom the notice is given fails or refuses to
4 pay the waterway usage fee within the time specified, the person shall be issued a
5 citation with a penalty in the amount of five hundred dollars (\$500). No person
6 shall receive more than three (3) warning notices in a ten (10) year period.

7 ➔Section 6. KRS 235.999 is amended to read as follows:

8 (1) Except as provided in subsection (2) of this section, sixty percent (60%) of a fine
9 imposed for the violation of this chapter or KRS Chapter 150 shall, when collected,
10 be paid into the game and fish fund.

11 (2) The money collected from the fine imposed by subsection (10) of Section 5 of this
12 Act shall be distributed as follows:

13 (a) Sixty percent (60%) to the waterway usage fund established in Section 3 of
14 this Act; and

15 (b) Forty percent (40%) to the Department of Fish and Wildlife Resources for
16 the enforcement of the waterway usage fee.

17 ➔Section 7. KRS 150.160 is amended to read as follows:

18 (1) Except as provided in subsection (2) of this section, sixty percent (60%) of a fine
19 imposed for the violation of this chapter or KRS Chapter 235 shall, when collected,
20 be paid into the game and fish fund.

21 (2) The money collected from the fine imposed by subsection (10) of Section 5 of this
22 Act shall be distributed as follows:

23 (a) Sixty percent (60%) to the waterway usage fund established in Section 3 of
24 this Act; and

25 (b) Forty percent (40%) to the Department of Fish and Wildlife Resources for
26 the enforcement of the waterway usage fee.

27 ➔Section 8. KRS 132.020 is amended to read as follows:

- 1 (1) The owner or person assessed shall pay an annual ad valorem tax for state purposes
2 at the rate of:
- 3 (a) Thirty-one and one-half cents (\$0.315) upon each one hundred dollars (\$100)
4 of value of all real property directed to be assessed for taxation;
- 5 (b) Twenty-five cents (\$0.25) upon each one hundred dollars (\$100) of value of
6 all motor vehicles qualifying for permanent registration as historic motor
7 vehicles under KRS 186.043;
- 8 (c) Fifteen cents (\$0.15) upon each one hundred dollars (\$100) of value of all:
- 9 1. Machinery actually engaged in manufacturing;
- 10 2. Commercial radio and television equipment used to receive, capture,
11 produce, edit, enhance, modify, process, store, convey, or transmit audio
12 or video content or electronic signals which are broadcast over the air to
13 an antenna, including radio and television towers used to transmit or
14 facilitate the transmission of the signal broadcast and equipment used to
15 gather or transmit weather information, but excluding telephone and
16 cellular communication towers; and
- 17 3. Tangible personal property which has been certified as a pollution
18 control facility as defined in KRS 224.1-300. In the case of tangible
19 personal property certified as a pollution control facility which is
20 incorporated into a landfill facility, the tangible personal property shall
21 be presumed to remain tangible personal property for purposes of this
22 paragraph if the tangible personal property is being used for its intended
23 purposes;
- 24 (d) Ten cents (\$0.10) upon each one hundred dollars (\$100) of value on the
25 operating property of railroads or railway companies that operate solely
26 within the Commonwealth;
- 27 (e) Five cents (\$0.05) upon each one hundred dollars (\$100) of value of goods

- 1 held for sale in the regular course of business, which includes:
- 2 1. Machinery and equipment held in a retailer's inventory for sale or lease
 - 3 originating under a floor plan financing arrangement;
 - 4 2. Motor vehicles:
 - 5 a. Held for sale in the inventory of a licensed motor vehicle dealer,
 - 6 including licensed motor vehicle auction dealers, which are not
 - 7 currently titled and registered in Kentucky and are held on an
 - 8 assignment pursuant to KRS 186A.230; or
 - 9 b. That are in the possession of a licensed motor vehicle dealer,
 - 10 including licensed motor vehicle auction dealers, for sale, although
 - 11 ownership has not been transferred to the dealer;
 - 12 3. Raw materials, which includes distilled spirits and distilled spirits
 - 13 inventory;
 - 14 4. In-process materials, which includes distilled spirits and distilled spirits
 - 15 inventory, held for incorporation in finished goods held for sale in the
 - 16 regular course of business; and
 - 17 5. Qualified heavy equipment;
 - 18 (f) One and one-half cents (\$0.015) upon each one hundred dollars (\$100) of
 - 19 value of all:
 - 20 1. Privately owned leasehold interests in industrial buildings, as defined
 - 21 under KRS 103.200, owned and financed by a tax-exempt governmental
 - 22 unit, or tax-exempt statutory authority under the provisions of KRS
 - 23 Chapter 103, upon the prior approval of the Kentucky Economic
 - 24 Development Finance Authority, except that the rate shall not apply to
 - 25 the proportion of value of the leasehold interest created through any
 - 26 private financing;
 - 27 2. Qualifying voluntary environmental remediation property, provided the

1 property owner has corrected the effect of all known releases of
 2 hazardous substances, pollutants, contaminants, petroleum, or petroleum
 3 products located on the property consistent with a corrective action plan
 4 approved by the Energy and Environment Cabinet pursuant to KRS
 5 224.1-400, 224.1-405, or 224.60-135, and provided the cleanup was not
 6 financed through a public grant or the petroleum storage tank
 7 environmental assurance fund. This rate shall apply for a period of three
 8 (3) years following the Energy and Environment Cabinet's issuance of a
 9 No Further Action Letter or its equivalent, after which the regular tax
 10 rate shall apply;

- 11 3. Tobacco directed to be assessed for taxation;
- 12 4. Unmanufactured agricultural products;
- 13 5. Aircraft not used in the business of transporting persons or property for
 14 compensation or hire; *and*
- 15 6. ~~Federally documented vessels not used in the business of transporting~~
 16 ~~persons or property for compensation or hire, or for other commercial~~
 17 ~~purposes; and~~
- 18 7. ~~Privately owned leasehold interests in residential property described in~~
 19 KRS 132.195(2)(g);

20 (g) One-tenth of one cent (\$0.001) upon each one hundred dollars (\$100) of value
 21 of all:

- 22 1. Farm implements and farm machinery owned by or leased to a person
 23 actually engaged in farming and used in his *or her* farm operations;
- 24 2. Livestock and domestic fowl;
- 25 3. Tangible personal property located in a foreign trade zone established
 26 pursuant to 19 U.S.C. sec. 81, provided that the zone is activated in
 27 accordance with the regulations of the United States Customs Service

- 1 and the Foreign Trade Zones Board; and
- 2 4. Property which has been certified as an alcohol production facility as
- 3 defined in KRS 247.910, or as a fluidized bed energy production facility
- 4 as defined in KRS 211.390; and
- 5 (h) Forty-five cents (\$0.45) upon each one hundred dollars (\$100) of value of all
- 6 other property directed to be assessed for taxation shall be paid by the owner
- 7 or person assessed, except as provided in KRS 132.030, 132.200, 136.300,
- 8 and 136.320, providing a different tax rate for particular property.
- 9 (2) Notwithstanding subsection (1)(a) of this section, the state tax rate on real property
- 10 shall be reduced to compensate for any increase in the aggregate assessed value of
- 11 real property to the extent that the increase exceeds the preceding year's assessment
- 12 by more than four percent (4%), excluding:
- 13 (a) The assessment of new property as defined in KRS 132.010(8);
- 14 (b) The assessment from property which is subject to tax increment financing
- 15 pursuant to KRS Chapter 65; and
- 16 (c) The assessment from leasehold property which is owned and financed by a
- 17 tax-exempt governmental unit, or tax-exempt statutory authority under the
- 18 provisions of KRS Chapter 103 and entitled to the reduced rate of one and
- 19 one-half cents (\$0.015) pursuant to subsection (1)(f) of this section. In any
- 20 year in which the aggregate assessed value of real property is less than the
- 21 preceding year, the state rate shall be increased to the extent necessary to
- 22 produce the approximate amount of revenue that was produced in the
- 23 preceding year from real property.
- 24 (3) By July 1 each year, the department shall compute the state tax rate applicable to
- 25 real property for the current year in accordance with the provisions of subsection
- 26 (2) of this section and certify the rate to the county clerks for their use in preparing
- 27 the tax bills. If the assessments for all counties have not been certified by July 1, the

1 department shall, when either real property assessments of at least seventy-five
2 percent (75%) of the total number of counties of the Commonwealth have been
3 determined to be acceptable by the department, or when the number of counties
4 having at least seventy-five percent (75%) of the total real property assessment for
5 the previous year have been determined to be acceptable by the department, make
6 an estimate of the real property assessments of the uncertified counties and compute
7 the state tax rate.

8 (4) If the tax rate set by the department as provided in subsection (2) of this section
9 produces more than a four percent (4%) increase in real property tax revenues,
10 excluding:

- 11 (a) The revenue resulting from new property as defined in KRS 132.010(8);
- 12 (b) The revenue from property which is subject to tax increment financing
13 pursuant to KRS Chapter 65; and
- 14 (c) The revenue from leasehold property which is owned and financed by a tax-
15 exempt governmental unit, or tax-exempt statutory authority under the
16 provisions of KRS Chapter 103 and entitled to the reduced rate of one and
17 one-half cents (\$0.015) pursuant to subsection (1) of this section;

18 the rate shall be adjusted in the succeeding year so that the cumulative total of each
19 year's property tax revenue increase shall not exceed four percent (4%) per year.

20 (5) The provisions of subsection (2) of this section notwithstanding, the assessed value
21 of unmined coal certified by the department after July 1, 1994, shall not be included
22 with the assessed value of other real property in determining the state real property
23 tax rate. All omitted unmined coal assessments made after July 1, 1994, shall also
24 be excluded from the provisions of subsection (2) of this section. The calculated
25 rate shall, however, be applied to unmined coal property, and the state revenue shall
26 be devoted to the program described in KRS 146.550 to 146.570, except that four
27 hundred thousand dollars (\$400,000) of the state revenue shall be paid annually to

1 the State Treasury and credited to the Office of Energy Policy for the purpose of
2 public education of coal-related issues.

3 ➔Section 9. KRS 132.200 is amended to read as follows:

4 All property subject to taxation for state purposes shall also be subject to taxation in the
5 county, city, school, or other taxing district in which it has a taxable situs, except the
6 class of property described in KRS 132.030 and the following classes of property, which
7 shall be subject to taxation for state purposes only:

- 8 (1) Farm implements and farm machinery owned by or leased to a person actually
9 engaged in farming and used in his or her farm operation;
- 10 (2) Livestock, ratite birds, and domestic fowl;
- 11 (3) Capital stock of savings and loan associations;
- 12 (4) Machinery actually engaged in manufacturing, products in the course of
13 manufacture, and raw material actually on hand at the plant for the purpose of
14 manufacture. The printing, publication, and distribution of a newspaper or operating
15 a job printing plant shall be deemed to be manufacturing;
- 16 (5) (a) Commercial radio and television equipment used to receive, capture, produce,
17 edit, enhance, modify, process, store, convey, or transmit audio or video
18 content or electronic signals which are broadcast over the air to an antenna;
- 19 (b) Equipment directly used or associated with the equipment identified in
20 paragraph (a) of this subsection, including radio and television towers used to
21 transmit or facilitate the transmission of the signal broadcast, but excluding
22 telephone and cellular communications towers; and
- 23 (c) Equipment used to gather or transmit weather information;
- 24 (6) Unmanufactured agricultural products. They shall be exempt from taxation for state
25 purposes to the extent of the value, or amount, of any unpaid nonrecourse loans
26 thereon granted by the United States government or any agency thereof, and except
27 that cities and counties may each impose an ad valorem tax of not exceeding one

- 1 and one-half cents (\$0.015) on each one hundred dollars (\$100) of the fair cash
2 value of all unmanufactured tobacco and not exceeding four and one-half cents
3 (\$0.045) on each one hundred dollars (\$100) of the fair cash value of all other
4 unmanufactured agricultural products, subject to taxation within their limits that are
5 not actually on hand at the plants of manufacturing concerns for the purpose of
6 manufacture, nor in the hands of the producer or any agent of the producer to whom
7 the products have been conveyed or assigned for the purpose of sale;
- 8 (7) All privately owned leasehold interest in industrial buildings, as defined under KRS
9 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt
10 statutory authority under the provisions of KRS Chapter 103, except that the rate
11 shall not apply to the proportion of value of the leasehold interest created through
12 any private financing;
- 13 (8) Tangible personal property which has been certified as a pollution control facility as
14 defined in KRS 224.1-300. In the case of tangible personal property certified as a
15 pollution control facility which is incorporated into a landfill facility, the tangible
16 personal property shall be presumed to remain tangible personal property for
17 purposes of this subsection if the tangible personal property is being used for its
18 intended purposes;
- 19 (9) Property which has been certified as an alcohol production facility as defined in
20 KRS 247.910;
- 21 (10) On and after January 1, 1977, the assessed value of unmined coal shall be included
22 in the formula contained in KRS 132.590(9) in determining the amount of county
23 appropriation to the office of the property valuation administrator;
- 24 (11) Tangible personal property located in a foreign trade zone established pursuant to
25 19 U.S.C. sec. 81, provided that the zone is activated in accordance with the
26 regulations of the United States Customs Service and the Foreign Trade Zones
27 Board;

- 1 (12) Motor vehicles qualifying for permanent registration as historic motor vehicles
2 under the provisions of KRS 186.043. However, nothing herein shall be construed
3 to exempt historical motor vehicles from the usage tax imposed by KRS 138.460;
- 4 (13) Property which has been certified as a fluidized bed energy production facility as
5 defined in KRS 211.390;
- 6 (14) All motor vehicles:
- 7 (a) Held for sale in the inventory of a licensed motor vehicle dealer, including
8 motor vehicle auction dealers, which are not currently titled and registered in
9 Kentucky and are held on an assignment pursuant to the provisions of KRS
10 186A.230;
- 11 (b) That are in the possession of a licensed motor vehicle dealer, including
12 licensed motor vehicle auction dealers, for sale, although ownership has not
13 been transferred to the dealer; and
- 14 (c) With a salvage title held by an insurance company;
- 15 (15) Machinery or equipment owned by a business, industry, or organization in order to
16 collect, source separate, compress, bale, shred, or otherwise handle waste materials
17 if the machinery or equipment is primarily used for recycling purposes as defined in
18 KRS 139.010;
- 19 (16) New farm machinery and other equipment held in the retailer's inventory for sale
20 under a floor plan financing arrangement by a retailer, as defined under KRS
21 365.800;
- 22 (17) New boats and new marine equipment held for retail sale under a floor plan
23 financing arrangement by a dealer registered under KRS 235.220;
- 24 (18) Aircraft not used in the business of transporting persons or property for
25 compensation or hire if an exemption is approved by the county, city, school, or
26 other taxing district in which the aircraft has its taxable situs;
- 27 (19) ~~Federally documented vessels not used in the business of transporting persons or~~

1 ~~property for compensation or hire or for other commercial purposes, if an~~
2 ~~exemption is approved by the county, city, school, or other taxing district in which~~
3 ~~the federally documented vessel has its taxable situs;~~

4 ~~(20)~~ Any nonferrous metal that conforms to the quality, shape, and weight
5 specifications set by the New York Mercantile Exchange's special contract rules for
6 metals, and which is located or stored in a commodity warehouse and held on
7 warrant, or for which a written request has been made to a commodity warehouse to
8 place it on warrant, according to the rules and regulations of a trading facility. In
9 this subsection:

10 (a) "Commodity warehouse" means a warehouse, shipping plant, depository, or
11 other facility that has been designated or approved by a trading facility as a
12 regular delivery point for a commodity on contracts of sale for future delivery;
13 and

14 (b) "Trading facility" means a facility that is designated by or registered with the
15 federal Commodity Futures Trading Commission under 7 U.S.C. secs. 1 et
16 seq. "Trading facility" includes the Board of Trade of the City of Chicago, the
17 Chicago Mercantile Exchange, and the New York Mercantile Exchange;

18 ~~(20)~~~~(21)~~ Qualifying voluntary environmental remediation property for a period of three
19 (3) years following the Energy and Environment Cabinet's issuance of a No Further
20 Action Letter or its equivalent, pursuant to the correction of the effect of all known
21 releases of hazardous substances, pollutants, contaminants, petroleum, or petroleum
22 products located on the property consistent with a corrective action plan approved
23 by the Energy and Environment Cabinet pursuant to KRS 224.1-400, 224.1-405, or
24 224.60-135, and provided the cleanup was not financed through a public grant
25 program of the petroleum storage tank environmental assurance fund;

26 ~~(21)~~~~(22)~~ Biotechnology products held in a warehouse for distribution by the
27 manufacturer or by an affiliate of the manufacturer. For the purposes of this section:

- 1 (a) "Biotechnology products" means those products that are applicable to the
2 prevention, treatment, or cure of a disease or condition of human beings and
3 that are produced using living organisms, materials derived from living
4 organisms, or cellular, subcellular, or molecular components of living
5 organisms. Biotechnology products does not include pharmaceutical products
6 which are produced from chemical compounds;
- 7 (b) "Warehouse" includes any establishment that is designed to house or store
8 biotechnology products, but does not include blood banks, plasma centers, or
9 other similar establishments; *and*
- 10 (c) "Affiliate" means an individual, partnership, or corporation that directly or
11 indirectly owns or controls, or is owned or controlled by, or is under common
12 ownership or control with, another individual, partnership, or corporation;
- 13 ~~(22)~~~~(23)~~ Recreational vehicles held for sale in a retailer's inventory;
- 14 ~~(23)~~~~(24)~~ A privately owned leasehold interest in residential property described in KRS
15 132.195(2)(g), if an exemption is approved by the county, city, school, or other
16 taxing district in which the residential property is located; and
- 17 ~~(24)~~~~(25)~~ Prefabricated homes held for sale in a manufacturer's or retailer's inventory.
- 18 ➔Section 10. This Act takes effect on January 1, 2024.