

1 AN ACT relating to boater safety.

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

3 ➔Section 1. KRS 235.285 is amended to read as follows:

- 4 (1) A personal watercraft may be used to tow individuals engaged in waterskiing or  
5 similar activities if it has adequate seating capacity and an observer on board to  
6 monitor the progress of the person being towed, or if it is equipped with a rearview  
7 mirror with a minimum field of vision of one hundred sixty (160) degrees mounted  
8 so that the operator can observe the activities of the person being towed.
- 9 (2) A person shall not operate a personal watercraft on public waters unless every  
10 individual operating or riding on the personal watercraft is wearing a personal  
11 flotation device that is approved by the United States Coast Guard under 46 C.F.R.  
12 sec. 160, as it may be amended or renumbered.
- 13 (3) A personal watercraft that does not have self-circling capability shall not be  
14 operated on public waters unless:
- 15 (a) The personal watercraft is equipped with a lanyard-type engine cutoff switch;  
16 and
- 17 (b) The lanyard is attached to the person, clothing, or personal flotation device of  
18 the operator.
- 19 (4) A vessel operated on public waters shall be operated at all times according to the  
20 provisions of this chapter and the administrative regulations promulgated hereunder.  
21 A vessel shall be operated at all times in a reasonable and prudent manner so as not  
22 to endanger human life, human physical safety, or property. A person shall not do  
23 any of the following while operating a vessel on public waters:
- 24 (a) Weave through congested watercraft traffic in a way that endangers human  
25 life, human physical safety, or property;
- 26 (b) Follow a watercraft that is towing an individual on water skis, a surfboard, or  
27 a water sport device in a way that endangers human life, human physical

- 1 safety, or property;
- 2 (c) Jump the wake of another watercraft in a way that endangers human life,
- 3 human physical safety, or property;
- 4 (d) Cut between a boat and the individual or individuals being towed by the boat;
- 5 (e) Cross paths with another watercraft when visibility around the other
- 6 watercraft is so obstructed as to endanger human life, human physical safety,
- 7 or property; or
- 8 (f) Steer a personal watercraft or motorboat toward an object or individual in the
- 9 water and turn sharply at close range in a way that endangers human life,
- 10 human physical safety, or property.
- 11 (5) A person shall not operate a personal watercraft on public waters at any time
- 12 between sunset and the following sunrise.
- 13 (6) A person shall not operate a vessel within fifty (50) feet of a commercial motor
- 14 vessel and its tow which is in operation on a waterway, except if the operator of the
- 15 commercial motor vessel has given his or her consent.
- 16 (7) (a) A person under twelve (12) years of age shall not operate a personal watercraft
- 17 or motorboat over ten (10) horsepower on the public waters of the
- 18 Commonwealth.
- 19 (b) Effective **July 1, 2021**~~[January 1, 1999]~~, a person **born on or after January 1,**
- 20 **1975,**~~[twelve (12) years of age through seventeen (17) years of age]~~ shall not
- 21 operate a personal watercraft or motorboat~~[over ten (10) horsepower]~~ on the
- 22 public waters of the Commonwealth unless the person is in possession of **one**
- 23 **(1) of the following:**
- 24 **1. A Kentucky safe boating certification card;**
- 25 **2. A recognized equivalent boat operator license or safe boating**
- 26 **certification from another state or country, the United States**
- 27 **government, or other National Association of State Boating Law**

1 Administrators-approved course; or

2 3. A safe boating certificate temporary exemption available from the  
3 department under subsection (8) of this section~~[a safe boating~~  
4 ~~certificate or is accompanied, on board, by a person eighteen (18) years~~  
5 ~~of age or older or in possession of a safe boating certificate].~~

6 (c) Except as provided in paragraph (d) of this subsection, a person operating a  
7 personal watercraft or motorboat on public waters shall present to law  
8 enforcement upon request the documentation required for compliance with  
9 paragraph (b) of this subsection~~[While operating a motorboat or a personal~~  
10 ~~watercraft over ten (10) horsepower on the public waters of the~~  
11 ~~Commonwealth, nonresidents twelve (12) years of age through seventeen (17)~~  
12 ~~years of age shall have in their possession a Kentucky safe boating certificate~~  
13 ~~or a recognized and equivalent boat operator licensing or safe boating~~  
14 ~~certificate from another state or country].~~

15 (d) Notwithstanding Section 2 of this Act, from July 1, 2021, to June 30, 2022,  
16 the only penalty for a person known to be operating a personal watercraft or  
17 motorboat on public waters in violation of this subsection shall be the  
18 issuance of a courtesy notice. The person shall also be advised by law  
19 enforcement officers of the department, or other sworn officers as have the  
20 opportunity, about the requirements of this subsection, including  
21 information about how to achieve compliance.

22 (8) A person subject to the requirements of subsection (7) of this section may obtain  
23 from the department a safe boating certificate temporary exemption, which shall  
24 be valid for no more than fourteen (14) days from the date it is issued and shall  
25 be granted to applicants who:

26 (a) Review a department Web page or printed document containing essential  
27 information from the safe boating examination;

1 (b) Correctly answer at least eight (8) questions from a basic comprehension  
 2 test consisting of ten (10) questions derived from the safe boating  
 3 examination; and

4 (c) Remit a payment of five dollars (\$5) to the department.

5 A person using a safe boating certification temporary exemption to comply with  
 6 the requirements of subsection (7) of this section shall present a printed or  
 7 electronic copy of the exemption to law enforcement officers upon request when  
 8 operating a personal watercraft or motorboat on the public waterways of the  
 9 Commonwealth.

10 (9) Subsections (1) to (6) of this section shall not apply to:

11 (a) A performer engaged in a professional exhibition; or

12 (b) A person participating in a regatta, a race, a marine parade, a tournament, or  
 13 an exhibit that is held in compliance with administrative regulations adopted  
 14 by the department.

15 ~~(10)~~<sup>(9)</sup> The parent, legal guardian, or other adult who has direct supervision over a  
 16 minor under the age of eighteen (18) shall not knowingly authorize or permit the  
 17 minor to operate a motorboat or personal watercraft in violation of this section.

18 ➔Section 2. KRS 235.990 is amended to read as follows:

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

25 (2) Any person who violates KRS 235.240 shall not be subject to the penalties of KRS  
 26 Chapter 189A but shall be guilty of a separate offense and subject to a fine of two  
 27 hundred dollars (\$200) to two hundred fifty dollars (\$250) or imprisonment for

1 twenty-four (24) hours, or both, for the first offense, a fine of three hundred fifty  
2 dollars (\$350) to five hundred dollars (\$500) or imprisonment for forty-eight (48)  
3 hours, or both, for the second offense, and a fine of six hundred dollars (\$600) to  
4 one thousand dollars (\$1,000) or imprisonment in the county jail for not less than  
5 thirty (30) days, or both, for the third or subsequent offense. Refusal to submit to a  
6 breath alcohol analysis or similar test in violation of KRS 235.240(3) shall be  
7 deemed an offense.

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

13 (b) A person shall, in addition to the penalties of subsection (2) of this section, be  
14 required to take a safe-boating course offered by the department and to present  
15 the court a certificate documenting successful completion of the course. The  
16 person attending a class under this paragraph shall pay the department a fee of  
17 one hundred dollars (\$100) for the costs of materials and instruction before  
18 receiving a certificate of completion.

19 (c) A person who violates subsection (7) of Section 1 of this Act shall, in  
20 addition to the penalties of subsection (1) of this section, be required to take  
21 a safe boating course offered by the department, or a recognized equivalent  
22 boat operator licensing or safe boating certification course offered by  
23 another state or country, the United States government, or other National  
24 Association of State Boating Law Administrators-approved course, and to  
25 present to the court a certificate documenting successful completion of the  
26 course. A person who attends a class under this paragraph and presents to  
27 the court a certificate documenting his or her successful completion of the

1                   *course prior to the adjudication of his or her case shall be granted a fine*  
2                   *reduction of twenty-five dollars (\$25).*

- 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). A  
5 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 one  
14 hundred dollars (\$100). This penalty shall be separate from any other penalty that  
15 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 duties,  
18 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 ➔Section 3. This Act takes effect July 1, 2021.