

1 AN ACT relating to the registration of motorboats and declaring an emergency.

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

3 ➔Section 1. KRS 235.040 is amended to read as follows:

4 **(1)** Every motorboat on the waters of this state shall be numbered and currently
5 registered in accordance with the provisions of this chapter.

6 **(2)** ~~A~~~~no~~ person shall ***not*** operate or give permission for the operation of any
7 motorboat on ~~the~~~~such~~ waters ***of this state*** unless:

8 **(a)** The motorboat is registered and numbered in accordance with:

9 **1.** This chapter;~~;~~ or

10 **2.** ~~in accordance with~~ A federally approved numbering system of another
11 state;~~;~~ ~~and unless~~;

12 **(b)**~~(1)~~ The certificate of number awarded to ~~the~~~~such~~ motorboat is in full force
13 and effect; and

14 **(c)**~~(2)~~ The identifying number set forth in the certificate of number is displayed
15 on each side of the bow of ~~the~~~~such~~ motorboat. ***Motorboats documented***
16 ***with the United States Coast Guard shall display an identifying number in***
17 ***full force and effect pursuant to federal law and a validation sticker issued***
18 ***by the Commonwealth of Kentucky on each side of the bow, but not an***
19 ***identifying number issued by the Commonwealth of Kentucky.***

20 ➔Section 2. KRS 235.070 is amended to read as follows:

21 (1) Every person seeking a title and registration or renewal registration for operation of
22 a motorboat shall apply to the county clerk of the county as provided in KRS
23 235.050 and make application on a form furnished by the Transportation Cabinet.
24 The application shall contain the full name and signature, Social Security number or
25 federal tax identification number, citizenship of applicant, date of birth, sex, present
26 resident address, situs for ad valorem tax assessment, the make of the boat, hull
27 identification number (HIN), if any, length, beam, model, and horsepower of motor,

1 maximum capacity, type of hull material, intended use of the boat, and whether the
2 fuel is gasoline, diesel, or other. The application shall state whether the motorboat is
3 equipped with marine toilet facilities and shall state if the marine sanitation device
4 for the toilet is properly operating and properly used for the water body where the
5 motorboat is kept or operated. It shall also state whether the applicant has been
6 previously licensed or registered as an owner, and if so, when and by what state or
7 county, whether any license registration or certificate number has been canceled,
8 suspended, revoked, or refused, and if so, the date of and reason for cancellation,
9 suspension, revocation, or refusal, and such other information as may be required.

10 (2) Every applicant shall submit the motorboat title or registration with the application
11 as required below:

12 (a) If the motorboat is titled in Kentucky, the applicant shall submit the title with
13 the application for title and registration;

14 (b) If the motorboat is registered in Kentucky but has not been titled in Kentucky,
15 the applicant shall submit the certificate of registration with the application for
16 title and registration;

17 (c) If the applicant is applying for a registration renewal, he shall submit the
18 certificate of registration;

19 (d) If the motorboat is titled in another jurisdiction, the applicant shall submit the
20 title with the application for title and registration;

21 (e) If the motorboat is registered in another jurisdiction, but not titled in any
22 jurisdiction, the applicant shall submit the certificate of registration with the
23 application for title and registration; and

24 (f) *If a motorboat is documented with the United States Coast Guard, the*
25 *applicant shall submit a copy of the certificate of documentation obtained*
26 *from the United States Coast Guard with the application for registration.*

27 *Motorboats documented with the United States Coast Guard shall be*

1 *exempt from titling the vessel with the Commonwealth of Kentucky, but*
 2 *shall register the motorboat in accordance with this section* [~~Vessels holding~~
 3 ~~a United States certificate of documentation shall be exempt from the~~
 4 ~~provisions of this section~~].

5 (3) Every applicant shall certify that the statements made in the application are true.
 6 The clerk shall inform the applicant that making false statements on the application
 7 regarding a marine boat toilet may lead to being fined under KRS 235.990.

8 (4) The clerk shall, after determining that the applicant has complied with the law
 9 concerning applications, issue a current certificate of registration or renewal thereof.

10 (5) No certificate of registration or renewal thereof for the operation of a motorboat
 11 shall be issued, if the motorboat is equipped with toilet facilities but is not equipped
 12 with a storage container or treatment or disposal system of a type approved under
 13 regulations promulgated pursuant to this chapter.

14 ➔Section 3. KRS 235.120 is amended to read as follows:

15 (1) The owner of any motorboat already covered by a number in full force and effect
 16 which has been awarded to it by the then operative federal law or a federally
 17 approved numbering [~~number~~] system of another state shall record the number prior
 18 to operating the motorboat on the waters of this state in excess of the sixty (60) day
 19 reciprocity period provided for in KRS 235.210.

20 (2) [~~,~~] The fee for the [~~such~~] recordation shall be [~~being~~] the same as the fee for an
 21 original registration as provided for in KRS 235.080.

22 (3) The [~~Such~~] recordation shall be in the manner and pursuant to the procedure
 23 required for the award of a number under KRS 235.050 to 235.070, except that no
 24 additional or substitute number shall be issued.

25 (4) At completion of recordation, a validation sticker shall be issued to the owner of
 26 the motorboat to be displayed on each side of the motorboat's bow.

27 ➔Section 4. KRS 235.125 is amended to read as follows:

1 **(1)** The person whose name appears on a certificate of number as the owner of a vessel
2 shall remove the number and validation sticker from the vessel when:

3 **(a)** **It is a federally regulated commercial vessel;**~~[(1) The vessel is documented~~
4 ~~by the Coast Guard; or]~~

5 **(b)**~~[(2)]~~ The certificate of number is invalid under KRS 235.180; or

6 **(c)**~~[(3)]~~ The vessel is no longer principally used in the state where the certificate
7 was issued.

8 **(2)** **The person whose name appears on a certificate of number as the owner of a**
9 **motorboat shall remove any number issued by the Commonwealth of Kentucky**
10 **from the motorboat, but not the validation sticker, when the motorboat is**
11 **documented by the United States Coast Guard.**

12 ➔Section 5. KRS 235.210 is amended to read as follows:

13 (1) A motorboat shall not be required to be numbered under this chapter if it is:

14 (a) Already covered by a number in full force and effect which has been awarded
15 to it pursuant to federal law or a federally approved numbering system of
16 another state; provided, that **the**~~[such]~~ boat **has**~~[shall]~~ not~~[have]~~ been within
17 this state for a period in excess of sixty (60) consecutive days;

18 (b) A motorboat from a country other than the United States temporarily using the
19 waters of this state;

20 (c) A motorboat whose owner is the United States, a state or a subdivision
21 thereof, except **that** when **the**~~[such]~~ boat is leased to the public for
22 compensation it must be registered according to KRS 235.080(2);

23 (d) A ship's lifeboat used or intended to be used **in that manner**~~[as such]~~;

24 (e) A motorboat belonging to a class of boats which has been exempted from
25 numbering by the department after said agency has found that the numbering
26 of motorboats **within that**~~[of such]~~ class will not materially aid in their
27 identification; and, if an agency of the federal government has a numbering

1 system applicable to the class of motorboats to which the motorboat in
2 question belongs, after the department has further found that the motorboat
3 would also be exempt from numbering if it were subject to the federal law; or
4 (f) A motorboat documented with the United States Coast Guard which is
5 covered by an identifying number in full force and effect pursuant to
6 federal law. Motorboats documented with the United States Coast Guard
7 are required to register with the Commonwealth of Kentucky and display a
8 validation sticker.

9 (2) Boats exempt from registration may be required by the department to apply for an
10 official identification number to be displayed in accordance with KRS 235.110.

11 ➔Section 6. Whereas activities on the waters of this state are an essential part of
12 Kentucky's economy, an emergency is declared to exist, and this Act takes effect upon its
13 passage and approval by the Governor or upon its otherwise becoming a law.