

1 AN ACT relating to personal property and declaring an emergency.

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

3 ➔Section 1. KRS 235.070 is amended to read as follows:

- 4 (1) Every person seeking a title and registration or renewal registration for operation of
5 a motorboat shall apply to the county clerk of the county as provided in KRS
6 235.050 and make application on a form furnished by the Transportation Cabinet.
7 The application shall contain the full name and signature, Social Security number or
8 federal tax identification number, citizenship of applicant, date of birth, sex, present
9 resident address, situs for ad valorem tax assessment, the make of the boat, hull
10 identification number (HIN), if any, length, beam, model, and horsepower of motor,
11 maximum capacity, type of hull material, intended use of the boat, and whether the
12 fuel is gasoline, diesel, or other. The application shall state whether the motorboat is
13 equipped with marine toilet facilities and shall state if the marine sanitation device
14 for the toilet is properly operating and properly used for the water body where the
15 motorboat is kept or operated. It shall also state whether the applicant has been
16 previously licensed or registered as an owner, and if so, when and by what state or
17 county, whether any license registration or certificate number has been canceled,
18 suspended, revoked, or refused, and if so, the date of and reason for cancellation,
19 suspension, revocation, or refusal, and such other information as may be required.
- 20 (2) Every applicant shall submit the motorboat title or registration with the application
21 as required below:
- 22 (a) If the motorboat is titled in Kentucky, the applicant shall submit the title with
23 the application for title and registration;
- 24 (b) If the motorboat is registered in Kentucky but has not been titled in Kentucky,
25 the applicant shall submit the certificate of registration with the application for
26 title and registration;
- 27 (c) If the applicant is applying for a registration renewal, he shall submit the

1 certificate of registration;

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

4 (e) If the motorboat is registered in another jurisdiction, but not titled in any
5 jurisdiction, the applicant shall submit the certificate of registration with the
6 application for title and registration~~]; and~~

7 ~~(f) Vessels holding a United States certificate of documentation shall be exempt
8 from the provisions of this section].~~

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

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

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

18 ➔Section 2. KRS 235.120 is amended to read as follows:

19 The owner of any motorboat already covered by a number in full force and effect which
20 has been awarded to it by the then operative federal law or a federally approved number
21 system of another state shall record the number prior to operating the motorboat on the
22 waters of this state~~[in excess of the sixty (60) day reciprocity period provided for in KRS
23 235.210]~~, the fee for such recordation being the same as for an original registration as
24 provided for in KRS 235.080. Such recordation shall be in the manner and pursuant to the
25 procedure required for the award of a number under KRS 235.050 to 235.070, except that
26 no additional or substitute number shall be issued.

27 ➔Section 3. KRS 235.125 is amended to read as follows:

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

- 3 (1) ~~[The vessel is documented by the Coast Guard; or~~
4 ~~(2)—]~~The certificate of number is invalid under KRS 235.180; or
5 ~~(2)~~~~(3)~~ The vessel is no longer principally used in the state where the certificate was
6 issued.

7 ➔Section 4. KRS 235.210 is amended to read as follows:

- 8 (1) A motorboat shall not be required to be numbered under this chapter if it is:
9 (a) ~~[Already covered by a number in full force and effect which has been awarded~~
10 ~~to it pursuant to federal law or a federally approved numbering system of~~
11 ~~another state; provided, that such boat shall not have been within this state for~~
12 ~~a period in excess of sixty (60) consecutive days;~~
13 ~~(b)—]~~A motorboat from a country other than the United States temporarily using
14 the waters of this state;
15 ~~(b)~~~~(c)~~ A motorboat whose owner is the United States, a state or a subdivision
16 thereof, except when such boat is leased to the public for compensation it
17 must be registered according to KRS 235.080(2);
18 ~~(c)~~~~(d)~~ A ship's lifeboat used or intended to be used as such; ***or***
19 ~~(d)~~~~(e)~~ A motorboat belonging to a class of boats which has been exempted
20 from numbering by the department after said agency has found that the
21 numbering of motorboats of such class will not materially aid in their
22 identification; and, if an agency of the federal government has a numbering
23 system applicable to the class of motorboats to which the motorboat in
24 question belongs, after the department has further found that the motorboat
25 would also be exempt from numbering if it were subject to the federal law.
26 (2) Boats exempt from registration may be required by the department to apply for an
27 official identification number to be displayed in accordance with KRS 235.110.

1 ➔Section 5. KRS 235.230 is amended to read as follows:

2 (1) The owner of a boat marina shall keep a record, **for any vessel which is designed or**
3 **permitted by him to be operated as a motorboat,** of:

4 **(a)** The name and address of the person or persons hiring ~~the~~^{any} vessel ~~which~~
5 ~~is designed or permitted by him to be operated as a motorboat~~;

6 **(b)** The identification number **of the vessel**~~thereof~~;

7 **(c)** ~~and~~ The departure time and date~~;~~ and

8 **(d)** The expected time of return.

9 The record shall be preserved for at least six (6) months.

10 (2) Neither the owner of a boat marina, nor his agent or employee shall permit any
11 motorboat or any vessel owned or leased by him to be operated as a motorboat to
12 depart from his premises unless it has been provided, either by the owner or the
13 renter, with the equipment required pursuant to KRS 235.200 and any rules and
14 regulations made pursuant thereto, except that the operator need not have the
15 certificate of registration in his possession.

16 (3) The certificate of registration and number for vessels leased or rented by a marina
17 may be retained on shore by the owner of the marina or his representative at the
18 place from which the vessel departs or returns to the possession of the livery or his
19 representative~~;~~ ~~provided,~~ However, the operator shall have with him a copy of the
20 lease or rental agreement signed by the marina owner or an authorized
21 representative of the marina and by the person leasing or renting the vessel that
22 contains the vessel's number which appears on the certificate of number and the
23 period of time for which the vessel is leased or rented.

24 (4) By July 15, 2000, the owner of a marina shall provide access to sewage pumpout
25 facilities for the owners of motorboats with marine toilet facilities. For the purpose
26 of this subsection a sewage pumpout facility means equipment designed to receive
27 the discharge of sewage from a marine sanitation device and allow the disposal of

1 the sewage in a manner that prevents the sewage from entering the waters of the
 2 state. To provide access to sewage pumpout facilities a marina owner may, by way
 3 of illustration and not to limit the options available to a marina owner:

- 4 (a) Build and operate pumpout facilities;
- 5 (b) Contract with another marina owner with pumpout facilities, if the contracting
 6 marinas are not more than eight (8) water miles apart and accessible in a way
 7 that does not require motorboats to be trailered; and
- 8 (c) Contract with a person licensed under KRS 211.972 to provide pumpout
 9 facility service, if the service is available during normal business hours
 10 including holidays and if the service can be provided within a reasonable time
 11 upon request by a motorboat owner.

12 ~~[(5) For any period of contracted mooring at a marina longer than twenty four (24)~~
 13 ~~hours, the owner of a boat shall provide to the marina owner or his or her agent or~~
 14 ~~employee the title, or equivalent document, for the boat. The owner of the marina or~~
 15 ~~his or her agent or employee shall retain the title or a copy of the title in the marina's~~
 16 ~~records for the period of time, beyond twenty four (24) hours, for which the marina~~
 17 ~~is contracted to provide mooring to the boat.]~~

18 ➔Section 6. KRS 376.270 is amended to read as follows:

19 **(1)** Any person engaged in the business of selling, repairing or furnishing accessories or
 20 supplies for motor vehicles shall have a lien on the motor vehicle for the reasonable
 21 or agreed charges for repairs, work done or accessories or supplies furnished for the
 22 vehicle, and for storing or keeping the vehicle, and, **except as provided for boats in**
 23 **subsection (2) of this section,** may detain any motor vehicle in his possession on
 24 which work has been done by him until the reasonable or agreed charge therefor has
 25 been paid. The lien shall not be lost by the removal of the motor vehicle from the
 26 garage or premises of the person performing labor, repairing or furnishing
 27 accessories or supplies therefor, if the lien shall be asserted within six (6) months by

1 filing in the office of the county clerk a statement showing the amount and cost of
2 materials furnished or labor performed on the vehicle. The statement shall be filed
3 in the same manner as provided in the case of a mechanic's and materialman's lien,
4 after the removal of the vehicle, unless the owner of the vehicle consents to an
5 additional extension of time, in which event the lien shall extend for the length of
6 time the parties agree upon. The agreement shall be reduced to writing and signed
7 by the parties thereto.

8 **(2) A marina shall not interfere with a boat owner's right to take possession of his or**
9 **her boat and remove it from the marina, including a boat against which the**
10 **marina has commenced a civil action to enforce a possessory lien prior to the**
11 **effective date of this Act.**

12 ➔Section 7. The following KRS section is repealed:

13 376.272 Marina may enforce lien on boat asserted pursuant to KRS 376.270 by civil
14 action.

15 ➔Section 8. Whereas recreational activities and products are an essential part of
16 Kentucky's economy, an emergency is declared to exist, and Sections 5 to 7 of this Act
17 take effect upon its passage and approval by the Governor or upon its otherwise becoming
18 a law.

19 ➔Section 9. Sections 1 to 4 of this Act take effect January 1, 2019.