

235.310 Enforcement -- Powers and status of division employees -- Use of radio communication equipment.

- (1) The commissioner of the Department of Fish and Wildlife Resources shall designate officers and employees of the department to enforce the provisions of this chapter, and these officers when duly authorized by the commissioner shall have the general powers of a peace officer for the enforcement of other offenses against the Commonwealth. In enforcing the provisions of this chapter, these officers and all other peace officers of the Commonwealth and its subdivisions shall have the right to enter upon all waters of this state, either private or public, for the purpose of inspecting certificate of registration and boat numbering, but shall only have the right to stop or enter upon boats on such waters if the officer has a reasonable and articulable suspicion based upon specific and articulable facts which, taken together with rational inferences from those facts, demonstrate that a violation of the Kentucky Revised Statutes or an administrative regulation promulgated under this chapter has occurred, with any subsequent search of the boat or persons on it being authorized only if supported by probable cause. The provisions of this section shall not apply to license inspections under KRS 150.090(5), but only as to those licenses and items specified in that section. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting, with or without process, any person found by them violating any of the provisions of this chapter or other offenses against the Commonwealth.
- (2) The officers designated in subsection (1) of this section shall be authorized to possess and use radio communication equipment capable of receiving and transmitting on state police radio frequency. The Department of Kentucky State Police shall cooperate with the department for the purpose of radio communication of these officers when any assistance is necessary.
- (3) The department may conduct periodic inspections of marine sanitation devices according to a regular inspection schedule to be determined by the department. To conduct the marine sanitation device inspection, the department officers and employees may require a motorboat owner to flush a dye through the marine toilet in the presence of the department officers or employees or use other appropriate measures to inspect the device.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 109, sec. 1, effective July 15, 2014. -- Amended 2007 Ky. Acts ch. 85, sec. 263, effective June 26, 2007. -- Amended 1998 Ky. Acts ch. 23, sec. 11, effective July 15, 1998; and ch. 71, sec. 8, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 118, sec. 6, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 446, sec. 7, effective April 12, 1982. -- Amended 1980 Ky. Acts ch. 295, sec. 81, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 292, sec. 22. -- Amended 1972 Ky. Acts ch. 220, sec. 1. -- Created 1960 Ky. Acts ch. 68, Art. VIII, sec. 33, effective March 17, 1960.

Legislative Research Commission Note (7/15/2014). 2014 Ky. Acts ch. 109, sec. 4 provided that that Act shall be known and may be cited as the "Boater Freedom Act." This statute was amended in Section 1 of that Act.