

A-Engrossed
House Bill 2071

Ordered by the House March 26
Including House Amendments dated March 26

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Marine Board)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Increases service charge that agents of State Marine Board may impose for issuing temporary permit to operate boat.

A BILL FOR AN ACT

1
2 Relating to fees assessed for boat permits; creating new provisions; and amending ORS 830.110.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 830.110 is amended to read:

5 830.110. In addition to the powers and duties otherwise provided in this chapter, the State Marine Board shall have the power and duty to:

7 (1) Make all rules necessary to carry out the provisions of this chapter. The rules shall be made in accordance with ORS chapter 183.

9 (2) Devise a system of identifying numbers for boats, floating homes and boathouses. If an agency of the federal government has an overall system of identification numbering for boats within the United States, the system devised by the board shall conform with the federal system.

12 (3) Cooperate with state and federal agencies to promote uniformity of the laws relating to boating and their enforcement.

14 (4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.145, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870.

16 (5) Advise and assist county sheriffs and other peace officers in the enforcement of laws relating to boating.

18 (6) Study, plan and recommend the development of boating facilities throughout the state which will promote the safety and pleasure of the public through boating.

20 (7) Publicize the advantage of safe boating.

21 (8) Accept gifts and grants of property and money to be used to further the purposes of this chapter.

23 (9) Exempt from any provisions of this chapter any class of boats if it determines that the safety of persons and property will not be materially promoted by the applicability of those provisions to the class of boats[, *but*]. The board [*shall*] **may** not exempt from numbering any class of boats unless [*it*]:

27 (a) **The board** determines that the numbering will not materially aid in their identification; and
28 [*unless*]

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b)** The secretary of the department of the federal government under which the United States
2 Coast Guard is operating has exempted from numbering the same boats or classes of boats.

3 (10) Appoint and require the bonding of agents to issue a temporary permit to operate a boat.
4 *[The agents may charge, in addition to the prescribed fees, \$1 per transaction for their services in is-*
5 *ssuing the temporary permit.]* **In addition to the prescribed fees, the agents may charge the fol-**
6 **lowing for their services in issuing the temporary permit:**

7 **(a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;**

8 **(b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and**

9 **(c) Beginning in 2014, and every three years thereafter, the board shall issue an order**
10 **revising the fee specified in paragraph (b) of this subsection on January 1, based on changes**
11 **in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All**
12 **Items, as published by the Bureau of Labor Statistics of the United States Department of**
13 **Labor. The board shall round the amount of the fee to the nearest half-dollar. The revised**
14 **fee takes effect on January 1 and applies for the following three years.**

15 (11) Publish and distribute to the interested public the boating laws of this state and resumes
16 or explanations of those laws.

17 (12) Publish and distribute forms for any application required under this chapter and require the
18 use of such forms.

19 (13) Make rules for the uniform navigational marking of the waters of this state. Such rules shall
20 not conflict with markings prescribed by the United States Coast Guard. No political subdivision
21 or person shall mark the waters of this state in any manner in conflict with the markings prescribed
22 by the board.

23 (14) Make rules regarding marine toilets and their use consistent with the prevention and con-
24 trol of pollution of the waters of this state and not in conflict with the rules of the Department of
25 Human Services or the Environmental Quality Commission.

26 (15) Institute proceedings to enjoin unlawful obstructions injuring free navigation on the waters
27 of this state.

28 (16) Make rules regulating water ski course markers, ski jumps and other special use devices
29 placed in the waters of this state. Such rules may regulate the installation and use of the devices
30 and may require a permit.

31 (17) Adopt rules necessary to carry out and enforce the provisions of ORS 830.950 and 830.955.
32 The rules shall include but need not be limited to:

33 (a) The kinds of protective covering or physical barriers that are acceptable to be used between
34 a submersible polystyrene device and the water.

35 (b) Guidelines for the use of submersible polystyrene devices for the repair or maintenance of
36 existing docks or floats.

37 (18) Adopt rules providing for establishment of a Safe Boating Education Course to be made
38 available to courts and law enforcement agencies within this state for use as a sentencing option
39 for those individuals convicted of boating offenses. The board shall specify the content of the Safe
40 Boating Education Course and shall prescribe procedures for making the course available to local
41 courts and law enforcement agencies, including procedures for promptly notifying such courts
42 whether individuals required to enroll in the course have taken and successfully passed the course.
43 Such rules may provide for administration of the course through nonprofit organizations, such as the
44 United States Coast Guard Auxiliary, United States Power Squadrons or similar groups.

45 (19) For purposes of ORS 830.175, 830.180, 830.185 and 830.195, in cooperation with the State

1 Aviation Board, regulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

2 **SECTION 2. The amendments to ORS 830.110 by section 1 of this 2007 Act apply to per-**
3 **mits issued on or after the effective date of this 2007 Act.**

4
