

A-Engrossed
House Bill 2072

Ordered by the House February 16
Including House Amendments dated February 16

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.

Repeals sunset on changes regarding reciprocity for ocean charter vessel and outfitting and guiding licensees of other states.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to interstate reciprocity for persons regulated by the State Marine Board; amending ORS
3 704.025, 830.435 and 830.440; repealing section 5, chapter 115, Oregon Laws 2005; and declaring
4 an emergency.

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

6 **SECTION 1.** ORS 704.025, as amended by section 3, chapter 115, Oregon Laws 2005, is amended
7 to read:

8 704.025. (1) [*The fees required under ORS 704.020 do not apply to outfitters and guides*] **The State**
9 **Marine Board may adopt rules that exempt persons** who provide outfitting and guiding services
10 on the Columbia River [*and who possess a valid license from the State of Washington as required*
11 *under this section. Reciprocity is provided for outfitting and guiding services on the Columbia River.*
12 *The right of outfitters and guides to conduct*] **from the registration and fee requirements in ORS**
13 **704.020 if:**

14 (a) **The person conducts** outfitting and guiding services on the waters of the Columbia River
15 where that river forms the boundary line between the State of Oregon and the State of
16 Washington;

17 (b) [*by the holder of a valid Oregon outfitter and guide registration or*] **The person possesses** a
18 valid Washington [*guide*] license [*in accordance with the outfitting and guiding laws of each respective*
19 *state is hereby recognized and made lawful.*], **permit or registration that allows the person to**
20 **provide outfitting and guiding services;**

21 (c) **The board determines that the licensing, permitting or registration requirements of**
22 **the State of Washington are comparable to those of Oregon; and**

23 (d) **The State of Washington provides similar reciprocity for holders of valid Oregon**
24 **outfitter and guide registrations.**

25 (2) The purpose of subsection (1) of this section is to avoid the conflict, confusion and difficulty
26 of an attempt to find the exact locations of the state boundary in or on the waters of the Columbia
27 River while providing outfitting and guiding services. [*Reciprocity under subsection (1) of this section*

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 *is contingent upon passage of comparable legislation by the legislature of the State of Washington ad-*
2 *ressing the establishment of minimum guide registration or licensing requirements in the areas of first*
3 *aid training and liability insurance coverage.]*

4 (3) *[The fees required under ORS 704.020 do not apply to outfitters and guides]* **The board may**
5 **adopt rules that exempt persons** who provide outfitting and guiding services on the Snake River
6 *[and who possess a valid license from the State of Idaho as required under this section. Reciprocity is*
7 *provided for outfitting and guiding services on the Snake River. The right of outfitters and guides to*
8 *conduct]* **from the registration and fee requirements in ORS 704.020 if:**

9 (a) **The person conducts** outfitting and guiding services on the waters of the Snake River
10 where that river forms the boundary line between the State of Oregon and the State of Idaho *[by*
11 *the holder of a valid Oregon outfitter and guide registration or];*

12 (b) **The person possesses** a valid Idaho *[guide]* license *[in accordance with the outfitting and*
13 *guiding laws of each respective state is hereby recognized and made lawful.], permit or registration*
14 **that allows the person to provide outfitting and guiding services;**

15 (c) **The board determines that the licensing, permitting or registration requirements of**
16 **the State of Idaho are comparable to those of Oregon; and**

17 (d) **The State of Idaho provides similar reciprocity for holders of valid Oregon outfitter**
18 **and guide registrations.**

19 (4) The purpose of subsection (3) of this section is to avoid the conflict, confusion and difficulty
20 of an attempt to find the exact locations of the state boundary in or on the waters of the Snake
21 River while providing outfitting and guiding services. *[Reciprocity under subsection (3) of this section*
22 *is contingent upon passage of comparable legislation by the legislature of the State of Idaho addressing*
23 *the establishment of minimum guide registration or licensing requirements in the areas of first aid*
24 *training and liability insurance coverage.]*

25 **SECTION 2.** ORS 830.435, as amended by section 4, chapter 115, Oregon Laws 2005, is amended
26 to read:

27 830.435. (1) Except as otherwise provided in this section, *[it is unlawful to]* **a person may not**
28 engage in the business of carrying passengers for hire for angling, sightseeing or other recreational
29 purposes in ocean waters within the jurisdiction of this state without first obtaining an ocean
30 charter vessel license from the State Marine Board.

31 (2) *[A resident of the State of Washington who holds a license issued by that state]* **The board**
32 **may adopt rules allowing a person who holds a license or registration issued by the State of**
33 **Washington** to engage in the business of carrying passengers for hire for angling, sightseeing or
34 other recreational purposes *[may]* **to** conduct those activities *[in ocean waters within the jurisdiction*
35 *of this state north of Cape Falcon without the license required by subsection (1) of this section if the*
36 *vessel]* **if:**

37 (a) **The person operates a vessel that** leaves from and returns to a port in the State of
38 Washington;

39 (b) **The person operates the vessel within the jurisdiction of this state in the Pacific**
40 **Ocean north of Cape Falcon, or in the Columbia River; and**

41 (c) *[. The provisions of this subsection do not become operative until laws, rules or regulations*
42 *of]* The State of Washington *[become operative that, in substance or effect, contain]* **adopts** provisions
43 *[which make lawful]* **that allow** engaging in the business of carrying passengers for hire for angling,
44 sightseeing or other recreational purposes with a valid Oregon ocean charter vessel license *[in the*
45 *waters of the Pacific Ocean]* within the jurisdiction of *[the State of Oregon or]* the State of

1 Washington [between the Oregon-Washington boundary and] **in the Pacific Ocean south of**
2 **Leadbetter Point, or in the Columbia River.** [This subsection remains operative only while such
3 laws, rules or regulations remain operative.]

4 (3) The license required by subsection (1) of this section is in lieu of registration required by
5 ORS chapter 704 to carry passengers for hire for angling, sightseeing or other recreational purposes
6 in any navigable waters of this state. Payment of the license fee referred to in ORS 830.440 (2)(b)
7 is in lieu of any other fee or tax for the possession, use or operation of the vessel.

8 **SECTION 3.** ORS 830.440 is amended to read:

9 830.440. (1) An individual who desires to obtain an ocean charter vessel license shall make
10 written application therefor to the State Marine Board. The application shall include such informa-
11 tion regarding the vessel and copies of such documents and licenses regarding operation of the
12 vessel as the board may require. The application shall be accompanied by proof that the applicant
13 has protection against liability imposed by law covering occurrences by the operator of the ocean
14 charter vessel, and the employees of the operator, for the payment of damages for bodily injuries,
15 including death resulting therefrom, in the minimum amount of \$300,000 per occurrence, at any time
16 while engaged in carrying passengers for hire. The applicant shall certify that the vessel complies
17 with the equipment requirements established by the board under ORS 830.450.

18 (2) The annual fee for an ocean charter vessel license is:

19 (a) For vessels owned by residents of this state if the vessel has license, title and number issued
20 pursuant to ORS chapter 830, \$50.

21 (b) For vessels owned by residents of this state if the vessel has a valid marine document issued
22 by an agency of the federal government, \$100.

23 (c) For vessels owned by persons who reside in a state that requires Oregon residents to pay a
24 license fee to operate an ocean charter vessel in the waters of that state, such fee as is charged
25 Oregon residents to operate an ocean charter vessel in the state where the nonresident applicant
26 resides.

27 (d) For all vessels owned by nonresidents other than those described in paragraph (c) of this
28 subsection, \$100.

29 (3)(a) A person who applies for a license to operate an ocean charter vessel and who accepts
30 deposits from clients in excess of \$100 per person or whose agent accepts such deposits, shall submit
31 a bond or other financial security in the amount of \$5,000 to the board at the time of application.
32 The bond or other financial security shall be held by the board for the benefit of clients of the
33 licensee who pay a money deposit to the licensee or the licensee's agent in anticipation of services
34 to be received. The bond or other financial security amount shall be released to such client or cli-
35 ents conditioned upon a failure of the licensee or the licensee's agent to return the deposit following
36 cancellation of services or other failure to provide agreed upon services.

37 (b) The board shall release or retain all or any portion of a bond or other financial security as
38 described in paragraph (a) of this subsection according to the provisions of ORS chapter 183.

39 (4) A license issued pursuant to this section is transferable to a replacement vessel of the li-
40 cense holder and is transferable to the purchaser of the vessel when the vessel is sold.

41 **(5) For the purposes of reciprocity under ORS 704.025 and 830.435, the board may adopt**
42 **rules to waive the annual fees required under subsection (2)(a) and (b) of this section for a**
43 **person who possesses a current Oregon outfitter and guide registration under ORS chapter**
44 **704 and operates in the waters of the Columbia River downstream from the Lewis and Clark**
45 **Bridge. The board may specify conditions for the waiver of fees under this subsection.**

1 **SECTION 4. Section 5, chapter 115, Oregon Laws 2005, is repealed.**

2 **SECTION 5. This 2007 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
4 **on its passage.**

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