

Enrolled
House Bill 2072

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)

CHAPTER

AN ACT

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

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

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

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

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

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

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

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

(2) The purpose of subsection (1) of this section is to avoid the conflict, confusion and difficulty of an attempt to find the exact locations of the state boundary in or on the waters of the Columbia River while providing outfitting and guiding services. *[Reciprocity under subsection (1) of this section is contingent upon passage of comparable legislation by the legislature of the State of Washington addressing the establishment of minimum guide registration or licensing requirements in the areas of first aid training and liability insurance coverage.]*

(3) *[The fees required under ORS 704.020 do not apply to outfitters and guides]* **The board may adopt rules that exempt persons** who provide outfitting and guiding services on the Snake River *[and who possess a valid license from the State of Idaho as required under this section. Reciprocity is*

provided for outfitting and guiding services on the Snake River. The right of outfitters and guides to conduct] **from the registration and fee requirements in ORS 704.020 if:**

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

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

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

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

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

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

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

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

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

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

(c) [. The provisions of this subsection do not become operative until laws, rules or regulations of] The State of Washington [become operative that, in substance or effect, contain] **adopts** provisions [which make lawful] **that allow** engaging in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes with a valid Oregon ocean charter vessel license [in the waters of the Pacific Ocean] within the jurisdiction of [the State of Oregon or] the State of Washington [between the Oregon-Washington boundary and] **in the Pacific Ocean south of Leadbetter Point, or in the Columbia River.** [This subsection remains operative only while such laws, rules or regulations remain operative.]

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

SECTION 3. ORS 830.440 is amended to read:

830.440. (1) An individual who desires to obtain an ocean charter vessel license shall make written application therefor to the State Marine Board. The application shall include such information regarding the vessel and copies of such documents and licenses regarding operation of the vessel as the board may require. The application shall be accompanied by proof that the applicant has protection against liability imposed by law covering occurrences by the operator of the ocean

charter vessel, and the employees of the operator, for the payment of damages for bodily injuries, including death resulting therefrom, in the minimum amount of \$300,000 per occurrence, at any time while engaged in carrying passengers for hire. The applicant shall certify that the vessel complies with the equipment requirements established by the board under ORS 830.450.

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

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

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

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

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

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

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

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

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

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

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

Passed by House February 26, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate April 26, 2007

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President of Senate

Received by Governor:

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Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State