

A-Engrossed
House Bill 3399

Ordered by the House April 5
Including House Amendments dated April 5

Sponsored by Representative JENSON; Representatives GARRARD, J SMITH

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.

Authorizes State Department of Fish and Wildlife, State Marine Board and State Department of Agriculture to require person to stop and submit recreational or commercial watercraft to inspection for aquatic invasive species. **Specifies investigatory procedures.**

Creates violation of failure to stop and submit to inspection. Punishes by \$90 fine.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to aquatic invasive species; amending ORS 570.855 and 570.990; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 570.855 is amended to read:

6 570.855. (1) The State Department of Fish and Wildlife, the State Marine Board [*and*] **or** the
7 State Department of Agriculture [*are authorized to*] **may require a person transporting a recre-**
8 **ational or commercial watercraft to stop at a check station to inspect the watercraft for the**
9 **presence of aquatic invasive species. The purpose of the administrative search authorized**
10 **under this section is to prevent and limit the spread of aquatic invasive species within**
11 **Oregon.[.]**

12 [*(a) Operate check stations for the purpose of inspecting recreational or commercial watercraft for*
13 *the presence of aquatic invasive species.*]

14 [(*b*)] **(2) The State Department of Fish and Wildlife, the State Marine Board or the State**
15 **Department of Agriculture may** decontaminate, or recommend decontamination of, any recre-
16 ational or commercial watercraft that [*is inspected*] **the agency inspects** at a check station operated
17 under authority of this section.

18 [(2)] **(3)** All check stations operated under authority of this section must be plainly marked by
19 signs that comply with all state and federal laws and must be staffed by at least one uniformed
20 employee of the State Department of Fish and Wildlife, the State Marine Board or the State De-
21 partment of Agriculture trained in inspection and decontamination of recreational or commercial
22 watercraft.

23 **(4) An agency that operates a check station under this section shall require all persons**
24 **transporting recreational or commercial watercraft to stop at the check station, and the**
25 **agency shall inspect every recreational or commercial watercraft that goes through the**
26 **check station.**

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 **(5) Notwithstanding ORS 496.992, a person transporting a recreational or commercial**
2 **watercraft who stops at a check station for inspection and who cooperates in the decon-**
3 **tamination process is not subject to criminal sanctions for possessing or transporting**
4 **aquatic invasive species.**

5 **(6) The State Department of Fish and Wildlife, the State Marine Board and the State**
6 **Department of Agriculture may adopt rules to carry out the provisions of this section.**

7 **SECTION 2.** ORS 570.990 is amended to read:

8 570.990. **(1) Violation of a provision of ORS 570.010 to 570.050, 570.105 to 570.190, 570.320 to**
9 **570.360 or 570.410 is a Class A violation.**

10 **(2) A person who is transporting a recreational or commercial watercraft and fails to**
11 **stop and submit to an inspection at an aquatic invasive species check station operated by the**
12 **State Department of Fish and Wildlife, the State Marine Board or the State Department of**
13 **Agriculture as provided under ORS 570.855 commits a Class D violation.**

14 **(3) Notwithstanding ORS 153.042, an enforcement officer may issue a citation under sub-**
15 **section (2) of this section when the conduct alleged to constitute a violation has not taken**
16 **place in the presence of the enforcement officer, if the enforcement officer has reasonable**
17 **grounds to believe that the conduct constitutes a violation on the basis of information re-**
18 **ceived from an employee of an agency authorized to operate an aquatic invasive species**
19 **check station who observed the violation.**

20 **SECTION 3.** **This 2011 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
22 **on its passage.**