



Oregon

John A. Kitzhaber, MD, Governor

State Marine Board

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Senate Committee on Business and Transportation
Honorable Lee Beyer, Chair
Honorable Bruce Starr, Vice Chair

RE: Testimony on Senate Bill 25

Dear Committee Chair, Vice Chairs and Members,

Senate Bill 25 modifies sections of ORS 704, *Outfitters and Guides* and ORS 830, *Small Watercraft*.

In 1989, the Oregon Legislature directed the Oregon State Marine Board to oversee the licensing of charter vessels operating in Oregon's waters. This function involves ensuring a charter vessel has the appropriate US Coast Guard license, insurance, first aid certifications and particular operating equipment on board. These large vessels, generally charter fishing vessels, carry more than six passengers for hire and normally operate in ocean waters. The inspection of these large vessels is conducted by the US Coast Guard. There are approximately fifty inspected charter vessels licensed in the state.

Since initial implementation, a new type of charter vessels has evolved. There are approximately 200 uninspected charter vessels which carry only 6-passengers or less and generally fish near-shore. These "6-pack" vessels are not required to be inspected by the US Coast Guard.

The intent of Senate Bill 25 is to:

Reposition the oversight of the 6-pack uninspected vessels from the Charter Vessel Program to the Outfitter and Guide Program;

Establish inspection and carriage requirements for uninspected charter vessels operating on non-federally navigable waters;

Require charter vessel license applicants to provide documentation noting vessel carrying capacity and the names of operators and on-board staff;

Define "trip sharing" to improve enforcement related to un-licensed vessel operators;

Establish charter vessel industry representation on the Guide Advisory Committee; and

Provide stricter penalties for violations of fish and wildlife laws by charter vessels operators.

To clarify, this bill is not intended to provide new authority for the Marine Board to inspect or add carriage requirements for Coast Guard inspected charter vessels, as described in the first paragraph, nor is it intended to impact reciprocity with Washington with respect to the operation of charter boats on the lower Columbia River.



Rather, Senate Bill 25 will allow the Marine Board to respond to concerns raised by Outfitter & Guides, charter vessels operators, the public, and law enforcement in the management and oversight of the Charter Vessel Program.

Please allow me to address any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Brewen". The signature is fluid and cursive, with the first name "Scott" and last name "Brewen" clearly distinguishable.

Scott Brewen, Director

attachment

Section 1 of the bill proposes to redefine a “charter boat” as a vessel carrying 7 or more passengers on coastal OR inland waterways. Vessels that carry 7 or more passengers for hire are required to be inspected by the U.S. Coast Guard when they operate on federally navigable waters. The US Coast Guard conducts regular inspections and manages these vessels much more closely. This subjects those vessels to a higher level of scrutiny. As a result, the Charter program has less oversight by the Marine Board as compared to the Outfitter and Guide program that was designed and operates to manage the operations of uninspected vessels. Also by expanding the Charter program to all waterways, the Board has authority over vessels carrying more than 7 passengers for hire, where they are not under the jurisdiction of the U.S. Coast Guard.

Section 3 of the bill directs the Marine Board to adopt licensing requirements and safety standards for charter boats. It is not the Marine Board’s intent to establish new safety standards for inspected vessels, but rather to be able to do so for inland operations.

Section 4 of the bill changes the word “vessel” to “charter boat.” The amendments DO NOT change reciprocal recognition of Washington charter and guide laws on the Columbia River. Individuals that are moved to the Outfitter & Guide program will see NO changes to their ability to operate on reciprocal waterways. The amendments DO NOT prevent Washington charter operations in shared waters.

Section 5 updates the current \$300,000 liability requirement to \$500,000, and requires documentation on the vessel’s capacity. This is the first liability requirement change since 1989. Most charter operators carry in excess of \$1 million.

Section 6 changes the term “vessel” to “charter boat.”

Section 7 establishes carriage requirement authority for inland charter operators. The equipment listed is a recommendation that needs to be addressed in rule. The Marine Board intends to make carriage requirements for boats in federally navigable waterways consistent with US Coast Guard requirements, and to make inland carriage requirements reasonable and prudent for public safety without undue burden on the operators.

Section 8 addresses findings of recent law enforcement investigations. Number 2 of section 8 provides state authority to enforce state carriage requirements or capacity violations. While the US Coast Guard inspects vessels, there are occasions where officers conducting wildlife investigations observe capacity or operator violations and lack enforcement authority. This change allows state law enforcement to address carriage requirement violations.

Numbers 3 and 4 prohibit an individual from advertising to take passengers for hire if he or she is not a licensed charter. This also clarifies the term “cost sharing” as sharing the cost of the consumable products such as gas, food and bait used during the course of a trip. This definition is supported by charter operators, law enforcement and the US Coast Guard and is important in addressing public safety concerns.

Section 10 addresses a loophole in the current rules where individuals have committed serious fish and wildlife violations and operate as a charter. These individuals are unable or unwilling to obtain an outfitter guide license. Current law allows a charter operator to function as a guide on coastal or inland waterways without a guide license. The US Coast Guard issues operator licenses without respect to fish and wildlife violations.

Section 11 changes the level of a violation for certain offenses.

Section 12 establishes a seat on the Guide Advisory Committee for a charter operator.

