

HOUSE AMENDMENTS TO HOUSE BILL 2039

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 15

1 On page 1 of the printed bill, delete lines 11 through 18 and insert:

2 “(1) ‘Charter guide’ means an individual who:

3 “(a) Carries passengers for hire for outdoor recreational activities on the waters of the Pacific
4 Ocean over which the State of Oregon has jurisdiction;

5 “(b) Carries passengers for hire for outdoor recreational activities on the waters of the
6 Columbia River below the Astoria-Megler Bridge downstream to the waters of the Pacific Ocean;
7 and

8 “(c) Possesses a valid United States Coast Guard operator license.

9 “(2) ‘Employee’ means an individual who, in exchange for compensation or monetary gain, pro-
10 vides outfitting and guiding services under the direction, supervision and control of an outfitter and
11 guide or a charter guide.”.

12 On page 3, line 32, delete “Uninspected Passenger Vessel”.

13 On page 4, delete lines 9 and 10 and insert:

14 “(i) A felony or misdemeanor related to the provision of services regulated by this chapter;”.

15 On page 5, delete lines 41 through 45 and delete page 6.

16 On page 7, delete lines 1 through 42 and insert:

17 “**SECTION 7.** ORS 704.020, as amended by section 4 of this 2013 Act, is amended to read:

18 “704.020. (1) Any person who acts or offers to act as an outfitter and guide must first register
19 with the State Marine Board. Each registration shall be submitted annually on a form provided by
20 the board and shall include the following information:

21 “(a) The name, residence address and telephone number of the person providing outfitting and
22 guiding services, and all business names, addresses and telephone numbers under which outfitting
23 and guiding services are provided.

24 “(b) Proof that the business under which outfitting and guiding services are provided has regis-
25 tered with the Secretary of State.

26 “(c) If the outfitting and guiding services are to be performed in the business name of an indi-
27 vidual, proof that the outfitter and guide is certified to give first aid, as determined by the board
28 by rule.

29 “(d) If the outfitting and guiding services are to be performed in the business name of a person
30 other than an individual, a list of the names of all employees, agents and parties in interest who
31 physically provide, or who directly assist in physically providing, outfitting and guiding services in
32 this state, together with the affidavit of the outfitter and guide that each such employee, agent or
33 party in interest is certified to give first aid, as determined by the board by rule.

34 “(e) If the outfitter and guide is carrying passengers for hire on waterways determined to be
35 navigable by the United States Coast Guard, proof that the person or an individual employed by the

1 person has a valid United States Coast Guard operator license.

2 “(f) A description of:

3 “(A) The outfitting and guiding services and any equipment, supplies, livestock and materials
4 provided by the outfitter and guide;

5 “(B) The geographic area in which the outfitter and guide provides the outfitting and guiding
6 services and the equipment, supplies, livestock and materials; and

7 “(C) The experience of the outfitter and guide in providing the outfitting and guiding services
8 and the equipment, supplies, livestock and materials.

9 “(g) Proof that the outfitter and guide has liability insurance covering occurrences by the out-
10 fitter and guide, and the employees of the outfitter and guide, which result in bodily injury or
11 property damage. To meet the requirement under this paragraph, insurance must provide combined
12 single limit per occurrence general liability coverage of at least \$500,000.

13 “(h) Certification by the outfitter and guide that the outfitter and guide will maintain the in-
14 surance required by paragraph (g) of this subsection continuously and in full force and effect for a
15 period of time to be determined by the board by rule.

16 “(i) The affidavit of the outfitter and guide stating that for a period of not less than 24 months
17 immediately prior to making the registration application the outfitter and guide and each person
18 who provides or assists in directly providing outfitting and guiding services:

19 “(A) Have not been convicted of:

20 “(i) A felony or misdemeanor related to the provision of services regulated by this chapter;

21 “(ii) A violation under this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509 or 511
22 or any rule adopted pursuant to ORS chapter 477, 496, 497, 498, 501, 506, 508, 509 or 511; or

23 “(iii) A violation of the wildlife laws that occurred while acting as an outfitter and guide and
24 that resulted in court-ordered revocation of the hunting or fishing license of the outfitter and guide;

25 “(B) Have not had an outfitting and guiding license, permit or certificate revoked, suspended
26 or canceled by another state or by an agency of the government of the United States;

27 “(C) Have not been denied the right to apply for an outfitting and guiding license, permit or
28 certificate by another state or by an agency of the government of the United States; and

29 “(D) Have not been convicted of guiding without registration as required by this subsection.

30 “(2)(a) In addition to the requirements of subsection (1) of this section, a person who acts or
31 offers to act as an outfitter and guide using boats that are under the direct operation of an outfitter
32 and guide or an employee of an outfitter and guide for the purpose of carrying passengers on the
33 waters of this state must submit proof:

34 “[*(a)*] **(A)** If operating a motorboat on [*waterways determined to be navigable by the United States*
35 *Coast Guard,*] **the waters of this state**, that the outfitter and guide [*possesses a valid United States*
36 *Coast Guard operator license; and*]:

37 “**(i) Has passed a written test adopted by the board by rule;**

38 “**(ii) Has participated in a drug and alcohol program as defined by the board by rule; and**

39 “**(iii) Has completed a physical examination every five years as required by the board by**
40 **rule.**

41 “[*(b)*] **(B)** Of liability insurance in a form prescribed by the board by rule.

42 “**(b) A person is exempt from paragraph (a)(A) of this subsection if the person is oper-**
43 **ating a motorboat on waters of this state determined to be navigable by the United States**
44 **Coast Guard and the person possesses a valid United States Coast Guard operator license.**

45 “(3)(a) A person who registers as an outfitter and guide and who accepts deposits from clients

1 in excess of \$100 per person shall submit a bond or other financial security in the amount of \$5,000
2 to the board at the time of registration. The bond or other financial security shall be held by the
3 board for the benefit of clients of the outfitter and guide who pay a money deposit to the outfitter
4 and guide in anticipation of services to be received. The bond or other financial security amount
5 shall be released to such client or clients conditioned upon a failure of the outfitter and guide to
6 return the deposit following cancellation of services or other failure to provide agreed upon ser-
7 vices.

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

10 “(4) Each annual registration shall be accompanied by a fee as follows:

11 “(a) For resident persons, \$150.

12 “(b) For nonresident persons who reside in a state that requires residents of this state to pay
13 a license fee, registration fee or other fee or charge in excess of \$150 to act as an outfitter and
14 guide in that state, the same fee or other charge as is charged the residents of this state to act as
15 an outfitter and guide in the state where the nonresident applicant resides. If the state in which
16 such a nonresident applicant resides makes distinctions in fees or charges based on the type of
17 outfitter and guide service performed and requires residents of this state to pay fees or charges
18 accordingly, the board shall make and apply those same distinctions and require the nonresident
19 applicants to pay the corresponding fees or charges.

20 “(c) For nonresident persons other than those referred to in paragraph (b) of this subsection,
21 \$150.

22 “(5) Upon the submission to the board of the appropriate fees prescribed in this section and the
23 registration information required by this section, the board shall issue to the applicant a certificate
24 of registration. The board shall also issue to each registrant proof of compliance with the require-
25 ments of this section.

26 “(6) A person who conducts sightseeing flights or other aircraft operations is exempt from the
27 provisions of this section unless the activities conducted by the person are outdoor recreational
28 activities as defined in ORS 704.010.

29 “(7) The board shall issue an identifying decal to outfitters and guides registering under this
30 section that may be displayed on vehicles, pack equipment or other suitable locations where cus-
31 tomers can see the registration decal.

32 “(8) A certificate of registration issued to an outfitter and guide under this section expires on
33 December 31 of each calendar year or on such date as may be specified by board rule.”.

34 On page 8, line 14, after “misdemeanor” insert “related to the provision of services regulated
35 by this chapter”.

36 In line 28, after “misdemeanor” insert “related to the provision of services regulated by this
37 chapter”.

38 On page 9, line 29, delete “an ocean” and insert “a charter”.