

# Senate Bill 179

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## 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 **as introduced**.

Clarifies that State Aviation Board rules governing seaplane safety and operations shall be adopted in agreement with State Marine Board and State Parks and Recreation Department. Clarifies that boats that are seaplanes shall be regulated by Oregon Department of Aviation in agreement with State Marine Board.

## A BILL FOR AN ACT

1  
2 Relating to seaplanes; creating new provisions; and amending ORS 830.110, 835.200 and 835.205.

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

4 **SECTION 1.** ORS 835.200 is amended to read:

5 835.200. (1) The State Aviation Board, pursuant to ORS 835.035 [*and utilizing the definitions*  
6 *contained in ORS 830.005*]:

7 (a) Shall adopt rules governing seaplane safety and operations on state waters, as defined in  
8 ORS 830.005, that shall be applicable to all seaplanes except when inconsistent with any applicable  
9 laws or regulations of an agency of the United States.

10 (b) May adopt rules governing seaplane safety and operations on waters of this state, as defined  
11 in ORS 830.005, that shall be applicable to all seaplanes except when inconsistent with any appli-  
12 cable laws or regulations of an agency of the United States.

13 (2) The State Aviation Board shall adopt the rules **described** in subsection (1) of this section in  
14 [*consultation*] **agreement** with the State Marine Board and the State Parks and Recreation Depart-  
15 ment.

16 (3) The rules **described** in subsection (1) of this section shall include identification of zones and  
17 bodies of water on which seaplanes may not land, take off or operate.

18 (4) As used in this section and ORS 835.210, "seaplane" means an aircraft equipped to land on  
19 water.

20 **SECTION 2.** ORS 835.205 is amended to read:

21 835.205. For purposes of ORS 830.175, 830.180, 830.185 and 830.195, the Oregon Department of  
22 Aviation, in [*cooperation*] **agreement** with the State Marine Board, shall regulate boats that are  
23 seaplanes as provided in ORS 830.605 and 835.200.

24 **SECTION 3.** ORS 830.110 is amended to read:

25 830.110. In addition to the powers and duties otherwise provided in this chapter, the State Ma-  
26 rine Board shall have the power and duty to:

27 (1) Make all rules necessary to carry out the provisions of this chapter. The rules shall be made  
28 in accordance with ORS chapter 183.

29 (2) Devise a system of identifying numbers for boats, floating homes and boathouses. If an

**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 agency of the federal government has an overall system of identification numbering for boats within  
2 the United States, the system devised by the board shall conform with the federal system.

3 (3) Cooperate with state and federal agencies to promote uniformity of the laws relating to  
4 boating and their enforcement.

5 (4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.700 to  
6 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870.

7 (5) Advise and assist county sheriffs and other peace officers in the enforcement of laws relating  
8 to boating.

9 (6) Study, plan and recommend the development of boating facilities throughout the state which  
10 will promote the safety and pleasure of the public through boating.

11 (7) Publicize the advantage of safe boating.

12 (8) Accept gifts and grants of property and money to be used to further the purposes of this  
13 chapter.

14 (9) Exempt from any provisions of this chapter any class of boats if it determines that the safety  
15 of persons and property will not be materially promoted by the applicability of those provisions to  
16 the class of boats. The board may not exempt from numbering any class of boats unless:

17 (a) The board determines that the numbering will not materially aid in their identification; and

18 (b) The secretary of the department of the federal government under which the United States  
19 Coast Guard is operating has exempted from numbering the same boats or classes of boats.

20 (10) Appoint and require the bonding of agents to issue a temporary permit to operate a boat.  
21 In addition to the prescribed fees, the agents may charge the following for their services in issuing  
22 the temporary permit:

23 (a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;

24 (b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and

25 (c) Beginning in 2014, and every three years thereafter, the board shall issue an order revising  
26 the fee specified in paragraph (b) of this subsection on January 1, based on changes in the  
27 Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published  
28 by the Bureau of Labor Statistics of the United States Department of Labor. The board shall round  
29 the amount of the fee to the nearest half-dollar. The revised fee takes effect on January 1 and ap-  
30 plies for the following three years.

31 (11) Publish and distribute to the interested public the boating laws of this state and resumes  
32 or explanations of those laws.

33 (12) Publish and distribute forms for any application required under this chapter and require the  
34 use of such forms.

35 (13) Make rules for the uniform navigational marking of the waters of this state. Such rules shall  
36 not conflict with markings prescribed by the United States Coast Guard. No political subdivision  
37 or person shall mark the waters of this state in any manner in conflict with the markings prescribed  
38 by the board.

39 (14) Make rules regarding marine toilets and their use consistent with the prevention and con-  
40 trol of pollution of the waters of this state and not in conflict with the rules of the Oregon Health  
41 Authority or the Environmental Quality Commission.

42 (15) Institute proceedings to enjoin unlawful obstructions injuring free navigation on the waters  
43 of this state.

44 (16) Make rules regulating water ski course markers, ski jumps and other special use devices  
45 placed in the waters of this state. Such rules may regulate the installation and use of the devices

1 and may require a permit.

2 (17) Adopt rules necessary to carry out and enforce the provisions of ORS 830.950 and 830.955.

3 The rules shall include but need not be limited to:

4 (a) The kinds of protective covering or physical barriers that are acceptable to be used between  
5 a submersible polystyrene device and the water.

6 (b) Guidelines for the use of submersible polystyrene devices for the repair or maintenance of  
7 existing docks or floats.

8 (18) Adopt rules providing for establishment of a Safe Boating Education Course to be made  
9 available to courts and law enforcement agencies within this state for use as a sentencing option  
10 for those individuals convicted of boating offenses. The board shall specify the content of the Safe  
11 Boating Education Course and shall prescribe procedures for making the course available to local  
12 courts and law enforcement agencies, including procedures for promptly notifying such courts  
13 whether individuals required to enroll in the course have taken and successfully passed the course.  
14 Such rules may provide for administration of the course through nonprofit organizations, such as the  
15 United States Coast Guard Auxiliary, United States Power Squadrons or similar groups.

16 (19) For purposes of ORS 830.175, 830.180, 830.185 and 830.195, in [*cooperation*] **agreement** with  
17 the State Aviation Board, regulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

18 **SECTION 4. The amendments to ORS 830.110, 835.200 and 835.205 by sections 1 to 3 of this**  
19 **2013 Act apply to rules adopted, amended or repealed on or after the effective date of this**  
20 **2013 Act.**

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