

**A-Engrossed  
Senate Bill 25**

Ordered by the Senate March 18  
Including Senate Amendments dated March 18

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for State Marine Board)

**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.

Provides that State Marine Board has authority over **certain** charter boats carrying seven or more passengers. Creates and modifies provisions related to regulation of charter boats.

Increases punishment related to violation of certain provisions regulating charter boats to maximum of one year's imprisonment, \$6,250 fine, or both.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to charter boats; creating new provisions; amending ORS 704.525, 830.430, 830.435, 830.440,  
3 830.445, 830.450, 830.460, 830.705 and 830.997; and declaring an emergency.

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

5  
6 **CHARTER BOAT REGULATION**

7 **(Definition)**

8  
9 **SECTION 1.** ORS 830.430 is amended to read:

10 830.430. As used in ORS 830.430 to 830.460 and 830.997:

11 [(1) "*Ocean*" means those waters of the Pacific Ocean that are west of the demarcation lines de-  
12 scribed in the International Collision Regulations at Sea of 1972.]

13 [(2) "*Ocean charter vessel*" means a vessel used in the business of carrying passengers for hire for  
14 angling, sightseeing or other recreational purposes in the ocean.]

15 (1) "**Charter boat**" means a boat used to carry seven or more passengers for hire for  
16 angling, sightseeing or other recreational purposes.

17 (2) "**Charter boat**" does not include a "passenger vessel" or "small passenger vessel," as  
18 defined by the State Marine Board by rule, that:

19 (a) Has been inspected and documented by the United States Coast Guard;

20 (b) Carries more than 12 passengers for hire; and

21 (c) Operates east of the demarcation lines described in the International Collision Regu-  
22 lations at Sea of 1972 on waters identified by the board by rule.

23  
24 **(General Authority of State Marine Board)**

25  
**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 **charter boat license must provide evidence of the charter boat's carrying capacity in the**  
2 **form of a certificate issued by the boat manufacturer or the United States Coast Guard or**  
3 **through a process established by the board by rule.**

4 [(2)] (3) The annual fee for [an ocean charter vessel] a **charter boat** license is:

5 (a) For [vessels] **charter boats** owned by residents of this state if the [vessel] **charter boat** has  
6 license, title and number issued pursuant to ORS chapter 830, \$50.

7 (b) For [vessels] **charter boats** owned by residents of this state if the [vessel] **charter boat** has  
8 a valid marine document issued by an agency of the federal government, \$100. **Payment of a fee**  
9 **under this paragraph is in lieu of any other fee or tax imposed by the State of Oregon for**  
10 **possessing, owning or operating a charter boat.**

11 (c) For [vessels] **charter boats** owned by persons who reside in a state that requires Oregon  
12 residents to pay a license fee to operate [an ocean charter vessel] a **charter boat** in the waters of  
13 that state, [such fee as] **the same fee that** is charged Oregon residents to operate [an ocean charter  
14 vessel] a **charter boat** in the state where the nonresident applicant resides.

15 (d) For all [vessels] **charter boats** owned by nonresidents other than those described in para-  
16 graph (c) of this subsection, \$100.

17 [(3)(a)] (4)(a) A person who applies for a license to operate [an ocean charter vessel] a **charter**  
18 **boat** and who accepts deposits from clients in excess of \$100 per person or whose agent accepts  
19 such deposits, shall submit a bond or other financial security in the amount of \$5,000 to the board  
20 at the time of application. The bond or other financial security shall be held by the board for the  
21 benefit of clients of the licensee who pay a money deposit to the licensee or the licensee's agent in  
22 anticipation of services to be received. The bond or other financial security amount shall be released  
23 to such client or clients conditioned upon a failure of the licensee or the licensee's agent to return  
24 the deposit following cancellation of services or other failure to provide agreed upon services.

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

27 [(4)] (5) A license issued pursuant to this section is transferable to a replacement [vessel]  
28 **charter boat** of the license holder and is transferable to the purchaser of the [vessel] **charter boat**  
29 when the [vessel] **charter boat** is sold.

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

35 **SECTION 6.** ORS 830.445 is amended to read:

36 830.445. (1) The liability protection required by ORS 830.440 shall be provided in one of the  
37 following ways:

38 (a) By a policy or policies of bodily injury liability insurance described as protection and  
39 indemnity insurance in the Standard American Institute Hull Form, issued by an insurer authorized  
40 by ORS chapter 731 to transact such insurance in this state.

41 (b) By a bond or bonds, issued by a surety company or companies, authorized by ORS chapter  
42 731 to transact such business in this state.

43 (c) By evidence of insurance issued on behalf of Lloyds of London by an insurance broker au-  
44 thorized by ORS chapter 731 to transact such business in this state.

45 (d) By any other evidence of liability protection approved by the State Marine Board.

1 (2) If the provider of liability protection cancels or refuses to renew the protection, the  
 2 [company] **provider**, not less than 30 days prior to the effective date of termination of the protection,  
 3 shall notify the board in writing of the termination and its effective date. Upon receipt of a liability  
 4 protection termination notice, the board shall send written notice to the [ocean charter vessel]  
 5 **charter boat** operator that the board will suspend that person's [ocean charter vessel] **charter boat**  
 6 license unless proof of liability protection required by ORS 830.440 is filed with the board prior to  
 7 the effective date of the proposed liability protection termination. The board may suspend [an ocean  
 8 charter vessel] **a charter boat** license if the licensee fails to maintain in full force and effect the  
 9 liability protection required by ORS 830.440. A license that has been suspended pursuant to this  
 10 section may not be reinstated until proof of liability protection required by ORS 830.440 has been  
 11 filed with the board.

12  
 13 **(Charter Boat Equipment)**  
 14

15 **SECTION 7.** ORS 830.450 is amended to read:

16 830.450. [No person shall operate a vessel to engage in activities for which an ocean charter vessel  
 17 license is required unless all equipment required pursuant to this section is on board the vessel and in  
 18 proper working order. In establishing equipment requirements, the State Marine Board shall consider  
 19 recommendations from charter boat associations.] **The State Marine Board shall establish by rule**  
 20 **the equipment that a charter boat must carry to operate in this state.** The board shall con-  
 21 sider requiring **a charter boat to carry** the following types of equipment:

22 (1) If the [vessel] **charter boat** operates **on navigable waters of the United States** not more  
 23 than 20 miles from the nearest port:

24 (a) First-aid kit.

25 (b) Automatic bilge warning light or bell for high water condition, audible or visible from each  
 26 steering station.

27 (c) Depth finder.

28 (d) Life jackets.

29 (e) Light and smoke flares.

30 (f) VHF radio with frequencies appropriate to contact the United States Coast Guard.

31 (g) Power-operated bilge pumps.

32 (h) Running lights.

33 (i) Anchor and anchor chain or line.

34 (j) Displayed ocean class United States Coast Guard operator's license.

35 (k) Engine room space ventilation system and blower system.

36 (L) Fire extinguishers.

37 (m) Magnetic compass.

38 (n) Bailing buckets or hand-operated bilge pump.

39 (o) [Loran C] **Installed electronic position fixing device** or radar navigational equipment.

40 (p) Emergency Position Indicator Radio Beacon device (EPIRB).

41 (q) Life ring.

42 (2) If the [vessel] **charter boat** operates **on navigable waters of the United States** more than  
 43 20 miles from the nearest port, in addition to the equipment specified in subsection (1) of this  
 44 section[, *the board shall consider requiring the following types of equipment*]:

45 [*(a) Single sideband radio.*]

1 [(b)] (a) Life raft or unsinkable shore boat.

2 [(c)] (b) Navigational charts for the area in which the [vessel] **charter boat** is operating.

3 [(d)] (c) Water lights.

4 **(3) If the charter boat operates on state waters:**

5 **(a) First-aid kit.**

6 **(b) Automatic bilge warning light or bell for high water condition, audible or visible from**  
7 **each steering station.**

8 **(c) Depth finder.**

9 **(d) Life jackets.**

10 **(e) Light and smoke flares.**

11 **(f) Power-operated bilge pumps.**

12 **(g) Running lights.**

13 **(h) Anchor and anchor chain or line.**

14 **(i) Engine room space ventilation system and blower system.**

15 **(j) Fire extinguishers.**

16 **(k) Magnetic compass.**

17 **(L) Bailing buckets or hand-operated bilge pump.**

18 **(m) Life ring.**

19  
20 **(Prohibited Conduct and Disciplinary Authority)**

21  
22 **SECTION 8.** ORS 830.460 is amended to read:

23 830.460. (1) *[No person shall]* **A person may not** make any false statement of material fact in  
24 *[making]* **submitting an** application for *[an ocean charter vessel license pursuant to]* **a charter boat**  
25 **license under** ORS 830.440.

26 *[(2) No person shall operate a vessel to engage in activities for which an ocean charter vessel li-*  
27 *cence is required, if it is determined upon inspection by the State Marine Board or its representative,*  
28 *or upon citation by a peace officer, that the vessel fails to comply with the equipment requirements of*  
29 *ORS 830.450, until all equipment requirements are met.]*

30 *[(3) No person shall operate a vessel to engage in activities for which an ocean charter vessel li-*  
31 *cence is required without having in effect the protection against liability referred to in ORS 830.440*  
32 *and 830.445.]*

33 **(2) A person may not operate a charter boat to engage in activities for which a charter**  
34 **boat license is required:**

35 **(a) If the State Marine Board or a representative of the board determines upon in-**  
36 **spection that, or if a peace officer issues a citation because, the charter boat fails to comply**  
37 **with any equipment requirements imposed by the board pursuant to ORS 830.450.**

38 **(b) Without having protection against liability as described in ORS 830.440 and 830.445.**

39 **(c) If the number of persons on board the charter boat exceeds the carrying capacity of**  
40 **the charter boat.**

41 **(d) Without first providing to the board the names of all employees, agents and other**  
42 **persons who physically assist passengers of the charter boat with angling, sightseeing or**  
43 **other recreational activities.**

44 **(3) A person may not offer for compensation or monetary gain or advertise the use of a**  
45 **charter boat for angling, sightseeing or other recreational activities without a charter boat**

1 license.

2 (4) A person may not accept money or other remuneration for angling, sightseeing or  
3 other recreational activities for which a charter boat license is required without a charter  
4 boat license, except that a person may share the costs or expenses for a trip by trip partic-  
5 ipants. As used in this subsection:

6 (a)(A) "Costs or expenses for a trip" means the costs or expenses for food, fuel, bait or  
7 other consumable items used during a trip.

8 (B) "Costs or expenses for a trip" does not include any costs or expenses related to  
9 equipment maintenance, insurance, moorage, leases or fees for the use of an area.

10 (b) "Trip" means the duration of the angling, sightseeing or other recreational activity  
11 beginning at the point of departure from a dock, pier, float, moorage or shore-based landing  
12 where a person enters a charter boat.

13 **SECTION 9.** Section 10 of this 2013 Act is added to and made a part of ORS 830.430 to  
14 830.460.

15 **SECTION 10.** (1) For the purpose of ensuring the safe and legal operation of charter boats  
16 in this state, the State Marine Board:

17 (a) Shall require the disclosure of a boating, wildlife, hunting, angling, commercial fishing  
18 or public safety related violation by an operator, owner or deckhand of a charter boat that  
19 occurs within two years of the date on which a charter boat license is issued or updated.

20 (b) May revoke, suspend or deny issuance of a charter boat license for a violation of this  
21 chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511, 530 or 704 or a rule adopted  
22 pursuant to this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511, 530 or 704,  
23 or for a violation of a law or rule regulating the safety and welfare of the public.

24 (2) When a person is found guilty of a violation of ORS 830.430 to 830.460 or any rule  
25 adopted pursuant to ORS 830.430 to 830.460, the court having jurisdiction of the offense may  
26 order the board to revoke a charter boat license held by that person.

27 (3) When a court orders revocation of a charter boat license under this section, the court  
28 shall take up the charter boat license and forward it with a copy of the revocation order to  
29 the board. Upon receipt of the charter boat license and the revocation order, the board shall  
30 revoke the charter boat license in accordance with the revocation order.

31  
32 (Criminal Penalties)

33  
34 **SECTION 11.** ORS 830.997 is amended to read:

35 830.997. [(1) Failure to comply with ORS 830.435, 830.440 or 830.460 (1) is a Class B  
36 misdemeanor.]

37 [(2) Failure to comply with ORS 830.450 is a Class A violation.]

38 [(3) Failure to comply with ORS 830.460 (2) is a Class A misdemeanor.]

39 [(4) Failure to comply with ORS 830.460 (3) is a Class A misdemeanor.]

40 (1) Violation of ORS 830.435 or 830.460 or a rule adopted pursuant to ORS 830.450 is a  
41 Class A misdemeanor.

42 (2) Violation of ORS 830.440 is a Class B misdemeanor.

43  
44 **OUTFITTER AND GUIDE ADVISORY COMMITTEE**



1 such boat shall not have been within this state for a period in excess of 60 consecutive days.

2 (2) This section and ORS 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to  
3 830.870 do apply to all boats other than boats described in subsection (1) of this section which are  
4 propelled by machinery, whether or not the machinery is the principal source of propulsion and to  
5 sailboats which are 12 feet or more in length.

6 (3) This section and ORS 830.300 and 830.710 to 830.870 do not apply to any vessel for which  
7 [*an ocean charter vessel*] a **charter boat** license has been issued and for which the fee has been paid  
8 as provided in ORS 830.440 [(2)(b)].

9  
10 **OPERATIVE DATE**

11  
12 **SECTION 14.** (1) Sections 2, 3, 9 and 10 of this 2013 Act and the amendments to ORS  
13 704.525, 830.430, 830.435, 830.440, 830.445, 830.450, 830.460, 830.705 and 830.997 by sections 1, 4  
14 to 8 and 11 to 13 of this 2013 Act become operative on January 1, 2014.

15 (2) The State Marine Board may take any action before the operative date specified in  
16 subsection (1) of this section that is necessary to enable the board to exercise, on and after  
17 the operative date specified in subsection (1) of this section, all the duties, functions and  
18 powers conferred on the board by sections 2, 3, 9 and 10 of this 2013 Act and the amendments  
19 to ORS 704.525, 830.430, 830.435, 830.440, 830.445, 830.450, 830.460, 830.705 and 830.997 by  
20 sections 1, 4 to 8 and 11 to 13 of this 2013 Act.

21  
22 **APPLICABILITY**

23  
24 **SECTION 15.** (1) The amendments to ORS 830.440 and 830.445 by sections 5 and 6 of this  
25 2013 Act apply to applications for licensure received by the State Marine Board on or after  
26 the operative date specified in section 14 of this 2013 Act.

27 (2) The amendments to ORS 830.997 by section 11 of this 2013 Act apply to convictions  
28 entered on or after the operative date specified in section 14 of this 2013 Act.

29  
30 **UNIT CAPTIONS**

31  
32 **SECTION 16.** The unit captions used in this 2013 Act are provided only for the conven-  
33 ience of the reader and do not become part of the statutory law of this state or express any  
34 legislative intent in the enactment of this 2013 Act.

35  
36 **EMERGENCY CLAUSE**

37  
38 **SECTION 17.** This 2013 Act being necessary for the immediate preservation of the public  
39 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
40 on its passage.