

**PROPOSED AMENDMENTS TO  
SENATE BILL 179**

1 On page 1 of the printed bill, line 2, after “830.110,” insert “830.575,”.

2 Delete lines 4 through 29 and delete pages 2 and 3 and insert:

3 **“SECTION 1. ORS 835.205 is added to and made a part of ORS**  
4 **chapter 830.**

5 **“SECTION 2. ORS 835.205 is amended to read:**

6 “835.205. For purposes of ORS 830.175, 830.180, 830.185 and 830.195, the  
7 [*Oregon Department of Aviation, in cooperation with the*] State Marine Board,  
8 **after consultation with the Oregon Department of Aviation**, shall reg-  
9 ulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

10 **“SECTION 3. ORS 835.200 is amended to read:**

11 “835.200. (1) The State Aviation Board, pursuant to ORS 835.035 and uti-  
12 lizing the definitions contained in ORS 830.005:

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

17 “(b) May adopt rules governing seaplane safety and operations on waters  
18 of this state, as defined in ORS 830.005, that shall be applicable to all  
19 seaplanes except when inconsistent with any applicable laws or regulations  
20 of an agency of the United States.

21 “(2) The State Aviation Board shall adopt the rules **described** in sub-  
22 section (1) of this section [*in*] **after** consultation with the State Marine

1 Board and the State Parks and Recreation Department. **In case of conflict**  
2 **between rules adopted under this section and rules adopted by the**  
3 **State Marine Board under ORS 830.110 or 835.205, rules adopted by the**  
4 **State Marine Board control.**

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

8 “(4) As used in this section and ORS 835.210, ‘seaplane’ means an aircraft  
9 equipped to land on water.

10 **“SECTION 4.** ORS 830.110 is amended to read:

11 “830.110. In addition to the powers and duties otherwise provided in this  
12 chapter, the State Marine Board shall have the power and duty to:

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

15 “(2) Devise a system of identifying numbers for boats, floating homes and  
16 boathouses. If an agency of the federal government has an overall system of  
17 identification numbering for boats within the United States, the system de-  
18 vised by the board shall conform with the federal system.

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

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

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

26 “(6) Study, plan and recommend the development of boating facilities  
27 throughout the state which will promote the safety and pleasure of the pub-  
28 lic through boating.

29 “(7) Publicize the advantage of safe boating.

30 “(8) Accept gifts and grants of property and money to be used to further

1 the purposes of this chapter.

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

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

8 “(b) The secretary of the department of the federal government under  
9 which the United States Coast Guard is operating has exempted from num-  
10 bering the same boats or classes of boats.

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

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

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

16 “(c) Beginning in 2014, and every three years thereafter, the board shall  
17 issue an order revising the fee specified in paragraph (b) of this subsection  
18 on January 1, based on changes in the Portland-Salem, OR-WA, Consumer  
19 Price Index for All Urban Consumers for All Items, as published by the Bu-  
20 reau of Labor Statistics of the United States Department of Labor. The board  
21 shall round the amount of the fee to the nearest half-dollar. The revised fee  
22 takes effect on January 1 and applies for the following three years.

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

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

27 “(13) Make rules for the uniform navigational marking of the waters of  
28 this state. Such rules shall not conflict with markings prescribed by the  
29 United States Coast Guard. No political subdivision or person shall mark the  
30 waters of this state in any manner in conflict with the markings prescribed

1 by the board.

2 “(14) Make rules regarding marine toilets and their use consistent with  
3 the prevention and control of pollution of the waters of this state and not  
4 in conflict with the rules of the Oregon Health Authority or the Environ-  
5 mental Quality Commission.

6 “(15) Institute proceedings to enjoin unlawful obstructions injuring free  
7 navigation on the waters of this state.

8 “(16) Make rules regulating water ski course markers, ski jumps and  
9 other special use devices placed in the waters of this state. Such rules may  
10 regulate the installation and use of the devices and may require a permit.

11 “(17) Adopt rules necessary to carry out and enforce the provisions of  
12 ORS 830.950 and 830.955. The rules shall include but need not be limited to:

13 “(a) The kinds of protective covering or physical barriers that are ac-  
14 ceptable to be used between a submersible polystyrene device and the water.

15 “(b) Guidelines for the use of submersible polystyrene devices for the re-  
16 pair or maintenance of existing docks or floats.

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

28 “(19) For purposes of ORS 830.175, 830.180, 830.185 and 830.195, [*in coop-*  
29 *eration*] **after consultation** with the State Aviation Board, regulate boats  
30 that are seaplanes as provided in ORS 830.605 and 835.200.

1        **“SECTION 5.** ORS 830.575 is amended to read:

2        “830.575. Notwithstanding ORS 830.790 (3), fees for issuance and renewal  
3 of an aquatic invasive species prevention permit are as follows:

4        “(1) The biennial fee for a motorboat issued a certificate of number under  
5 ORS 830.795 is \$5.

6        **“(2) The biennial fee for a motorboat that is a seaplane registered  
7 under ORS 837.040 is \$5.**

8        “[2] (3) The annual fee for a manually propelled boat 10 feet or more in  
9 length is \$5.

10       “[3] (4) The annual fee for a motorboat operated by a nonresident is \$20.

11       **“(5) The annual fee for a motorboat that is a seaplane operated by  
12 a nonresident is \$20.**

13       “[4] (6) The annual fee for an operator of a boat livery is:

14       “(a) \$30 for an operator who owns 6 to 10 manually propelled boats;

15       “(b) \$55 for an operator who owns 11 to 20 manually propelled boats; or

16       “(c) \$100 for an operator who owns 21 or more manually propelled boats.

17       **“SECTION 6. The amendments to ORS 830.110, 835.200 and 835.205  
18 by sections 2 to 4 of this 2013 Act apply to rules adopted, amended or  
19 repealed on or after the effective date of this 2013 Act.”.**

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