

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2039**

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  
4 waters of the Pacific Ocean over which the State of Oregon has jurisdiction;

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

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

9 “(2) ‘Employee’ means an individual who, in exchange for compensation  
10 or monetary gain, provides outfitting and guiding services under the direc-  
11 tion, supervision and control of an outfitter and 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  
15 by this chapter;”.

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

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

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

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

1 following information:

2 “(a) The name, residence address and telephone number of the person  
3 providing outfitting and guiding services, and all business names, addresses  
4 and telephone numbers under which outfitting and guiding services are pro-  
5 vided.

6 “(b) Proof that the business under which outfitting and guiding services  
7 are provided has registered with the Secretary of State.

8 “(c) If the outfitting and guiding services are to be performed in the  
9 business name of an individual, proof that the outfitter and guide is certified  
10 to give first aid, as determined by the board by rule.

11 “(d) If the outfitting and guiding services are to be performed in the  
12 business name of a person other than an individual, a list of the names of  
13 all employees, agents and parties in interest who physically provide, or who  
14 directly assist in physically providing, outfitting and guiding services in this  
15 state, together with the affidavit of the outfitter and guide that each such  
16 employee, agent or party in interest is certified to give first aid, as deter-  
17 mined by the board by rule.

18 “(e) If the outfitter and guide is carrying passengers for hire on  
19 waterways determined to be navigable by the United States Coast Guard,  
20 proof that the person or an individual employed by the person has a valid  
21 United States Coast Guard operator license.

22 “(f) A description of:

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

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

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

30 “(g) Proof that the outfitter and guide has liability insurance covering

1 occurrences by the outfitter and guide, and the employees of the outfitter  
2 and guide, which result in bodily injury or property damage. To meet the  
3 requirement under this paragraph, insurance must provide combined single  
4 limit per occurrence general liability coverage of at least \$500,000.

5 “(h) Certification by the outfitter and guide that the outfitter and guide  
6 will maintain the insurance required by paragraph (g) of this subsection  
7 continuously and in full force and effect for a period of time to be determined  
8 by the board by rule.

9 “(i) The affidavit of the outfitter and guide stating that for a period of  
10 not less than 24 months immediately prior to making the registration appli-  
11 cation the outfitter and guide and each person who provides or assists in  
12 directly providing outfitting and guiding services:

13 “(A) Have not been convicted of:

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

16 “(ii) A violation under this chapter or ORS chapter 477, 496, 497, 498, 501,  
17 506, 508, 509 or 511 or any rule adopted pursuant to ORS chapter 477, 496,  
18 497, 498, 501, 506, 508, 509 or 511; or

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

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

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

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

30 “(2)(a) In addition to the requirements of subsection (1) of this section,

1 a person who acts or offers to act as an outfitter and guide using boats that  
2 are under the direct operation of an outfitter and guide or an employee of  
3 an outfitter and guide for the purpose of carrying passengers on the waters  
4 of this state must submit proof:

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

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

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

12 **“(iii) Has completed a physical examination every five years as re-**  
13 **quired by the board by rule.**

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

15 **“(b) A person is exempt from paragraph (a)(A) of this subsection if**  
16 **the person is operating a motorboat on waters of this state determined**  
17 **to be navigable by the United States Coast Guard and the person pos-**  
18 **sesses a valid United States Coast Guard operator license.**

19 “(3)(a) A person who registers as an outfitter and guide and who accepts  
20 deposits from clients in excess of \$100 per person shall submit a bond or  
21 other financial security in the amount of \$5,000 to the board at the time of  
22 registration. The bond or other financial security shall be held by the board  
23 for the benefit of clients of the outfitter and guide who pay a money deposit  
24 to the outfitter and guide in anticipation of services to be received. The  
25 bond or other financial security amount shall be released to such client or  
26 clients conditioned upon a failure of the outfitter and guide to return the  
27 deposit following cancellation of services or other failure to provide agreed  
28 upon services.

29 **“(b) The board shall release or retain all or any portion of a bond or other**  
30 **financial security as described in paragraph (a) of this subsection according**

1 to the provisions of ORS chapter 183.

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

3 “(a) For resident persons, \$150.

4 “(b) For nonresident persons who reside in a state that requires residents  
5 of this state to pay a license fee, registration fee or other fee or charge in  
6 excess of \$150 to act as an outfitter and guide in that state, the same fee or  
7 other charge as is charged the residents of this state to act as an outfitter  
8 and guide in the state where the nonresident applicant resides. If the state  
9 in which such a nonresident applicant resides makes distinctions in fees or  
10 charges based on the type of outfitter and guide service performed and re-  
11 quires residents of this state to pay fees or charges accordingly, the board  
12 shall make and apply those same distinctions and require the nonresident  
13 applicants to pay the corresponding fees or charges.

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

16 “(5) Upon the submission to the board of the appropriate fees prescribed  
17 in this section and the registration information required by this section, the  
18 board shall issue to the applicant a certificate of registration. The board  
19 shall also issue to each registrant proof of compliance with the requirements  
20 of this section.

21 “(6) A person who conducts sightseeing flights or other aircraft oper-  
22 ations is exempt from the provisions of this section unless the activities  
23 conducted by the person are outdoor recreational activities as defined in  
24 ORS 704.010.

25 “(7) The board shall issue an identifying decal to outfitters and guides  
26 registering under this section that may be displayed on vehicles, pack  
27 equipment or other suitable locations where customers can see the registra-  
28 tion decal.

29 “(8) A certificate of registration issued to an outfitter and guide under  
30 this section expires on December 31 of each calendar year or on such date

1 as may be specified by board rule.”.

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

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

6 On page 9, line 29, delete “ocean” and insert “charter”.

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