

**PROPOSED AMENDMENTS TO
SENATE BILL 602**

1 On page 1 of the printed bill, line 2, after “Lake;” delete the rest of the
2 line and insert “creating new provisions; amending ORS 830.110, 830.990 and
3 835.205; and declaring an emergency.”.

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

5 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part**
6 **of ORS chapter 830.**

7 **“SECTION 2. (1) Except as provided in subsection (2) of this section,**
8 **a person may not operate a seaplane on Waldo Lake. For the purposes**
9 **of this section, “operate” includes landing on or taking off from Waldo**
10 **Lake.**

11 **“(2) Subsection (1) of this section does not apply to the following:**

12 **“(a) The Department of State Police.**

13 **“(b) Public bodies, as defined in ORS 174.109, having jurisdiction**
14 **over Waldo Lake.**

15 **“(c) A person operating a seaplane on the eastern half of Waldo**
16 **Lake if the person notifies the Oregon Department of Aviation using**
17 **a Federal Aviation Administration flight plan form within 48 hours**
18 **after departing from Waldo Lake. The notice must include:**

19 **“(A) The name of the person;**

20 **“(B) The person’s phone number;**

21 **“(C) The time of arrival; and**

22 **“(D) The time of departure.**

1 “(d) A person operating a seaplane on Waldo Lake in the event of
2 an emergency if the person notifies the department of the emergency
3 landing within 30 days after the landing.

4 “**SECTION 3.** ORS 830.990 is amended to read:

5 “830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually
6 propelled boat is a Class D violation. Notwithstanding ORS 153.019, the
7 presumptive fine for a violation of ORS 830.565 is \$30.

8 “(b) Violation of ORS 830.565 by a person operating a motorboat is
9 punishable as a Class D violation. Notwithstanding ORS 153.019, the
10 presumptive fine for a violation of ORS 830.565 is \$50.

11 “(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094,
12 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855,
13 or rules adopted to carry out the purposes of those statutes, commits a Class
14 D violation.

15 “(3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375,
16 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out
17 the purposes of those statutes, commits a Class C violation.

18 “(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.195,
19 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335,
20 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370, 830.410,
21 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830 **or section 2 of this 2013**
22 **Act**, or rules adopted to carry out the purposes of those statutes, commits
23 a Class B violation.

24 “(5) A person who violates ORS 830.305 or 830.390, or rules adopted to
25 carry out the purposes of those statutes, commits a Class A violation.

26 “(6) A person who violates ORS 830.383 or 830.909 commits a Class B
27 misdemeanor.

28 “(7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325,
29 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

30 “(8) A person who violates ORS 830.475 (2) commits a Class C felony.

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

2 “830.110. In addition to the powers and duties otherwise provided in this
3 chapter, the State Marine Board shall have the power and duty to:

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

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

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

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

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

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

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

21 “(8) Accept gifts and grants of property and money to be used to further
22 the purposes of this chapter.

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

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

29 “(b) The secretary of the department of the federal government under
30 which the United States Coast Guard is operating has exempted from num-

1 bering the same boats or classes of boats.

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

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

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

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

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

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

18 “(13) Make rules for the uniform navigational marking of the waters of
19 this state. Such rules shall not conflict with markings prescribed by the
20 United States Coast Guard. No political subdivision or person shall mark the
21 waters of this state in any manner in conflict with the markings prescribed
22 by the board.

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

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

29 “(16) Make rules regulating water ski course markers, ski jumps and
30 other special use devices placed in the waters of this state. Such rules may

1 regulate the installation and use of the devices and may require a permit.

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

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

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

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

19 “(19) For purposes of ORS 830.175, 830.180, 830.185 and 830.195 **and sec-**
20 **tion 2 of this 2013 Act**, in cooperation with the State Aviation Board, reg-
21 ulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

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

23 “835.205. For purposes of ORS 830.175, 830.180, 830.185 and 830.195 **and**
24 **section 2 of this 2013 Act**, the Oregon Department of Aviation, in cooper-
25 ation with the State Marine Board, shall regulate boats that are seaplanes
26 as provided in ORS 830.605 and 835.200.

27 “**SECTION 6. This 2013 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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