

**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, 830.185,
3 830.990 and 835.205; and declaring an emergency.”.

4 Delete lines 4 through 29.

5 Delete pages 2 and 3 and insert:

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

8 **“SECTION 2. (1) Except as provided in subsections (2) and (3) of this**
9 **section, a person may not use an outboard or inboard motor to propel**
10 **a boat on Waldo Lake.**

11 **“(2) Subsection (1) of this section does not apply to the Department**
12 **of State Police and any other public body, as defined in ORS 174.109,**
13 **that has jurisdiction over the lake.**

14 **“(3) Subsection (1) of this section does not apply to:**

15 **“(a) Boats propelled by an electric motor; or**

16 **“(b) Boats propelled by a four-stroke outboard motor or a four-**
17 **stroke inboard motor beginning on the day after Labor Day and ending**
18 **on November 15.**

19 **“SECTION 3. ORS 830.185 is amended to read:**

20 **“830.185. (1) [No person shall] A person may not operate a boat with an**
21 **outboard or inboard motor at a speed in excess of 10 miles per hour during**
22 **those hours of the day and on those days of the year that it is lawful to fish,**

1 on East Lake, Paulina Lake and Elk Lake in Deschutes County; Magone
2 Lake in Grant County; Timothy Lake in Clackamas County; and Davis Lake
3 in Deschutes and Klamath Counties.

4 “(2) [No person shall] **A person may not** operate a boat with an outboard
5 or inboard motor at a speed in excess of 10 miles per hour on the following
6 named waters of this state located in the counties named:

7 “ _____

8 Counties Lakes and Reservoirs

9

10 Clackamas On that portion of the waters of the reservoir known as North Fork Reservoir which
11 lies upstream from a line drawn across the reservoir at right angles to the thread
12 of the stream at a point 2.3 miles upstream from the North Fork Dam measured along
13 the thread of the stream

14 Deschutes Hosmer, Lava, Little Cultus, Little Lava, Sparks Lakes and Crane Prairie Reservoir

15 Jefferson On that portion of the waters behind Pelton Dam, known as Lake Simtustus, which
16 lies upstream from a line drawn across the lake at right angles to the thread of the
17 stream at a point 0.85 miles upstream from the Pelton Dam measured along the
18 thread of the stream

19 Klamath That portion of Upper Klamath Lake that lies west of a line beginning at a point on
20 the north shore of Pelican Bay one-quarter mile east of Crystal Creek and extending
21 due south to the opposite shore of the lake; any stream, creek or canal that leads into
22 the portion of Upper Klamath Lake described above including Crystal Creek, Recre-
23 ation Creek and Four-Mile Creek, also known as Harriman Creek

24 [Lane *Waldo Lake*]

25 Linn Smith and Trailbridge Reservoirs

26 Wasco Clear Lake

27 “ _____

28 “(3)(a) The State Marine Board shall establish an appropriate decibel
29 rating and speed restriction on Diamond Lake in Douglas County to allow
30 recreational boating that is not limited to fishing. Recreational boating does

1 not include operating a jet ski or similar personal watercraft. The speed es-
2 tablished by the board:

3 “(A) May not exceed 45 miles per hour between the hours of 9 a.m. and
4 6 p.m.;

5 “(B) May not exceed 10 miles per hour between the hours of 6 p.m. and
6 9 a.m.; and

7 “(C) Shall be restricted to 10 miles per hour at all times in any area
8 within 200 yards of any boat ramp, boat dock, swimming area, inlet or outlet
9 of the lake, designated campground or summer home.

10 “(b) The board shall reduce the speed restriction on Diamond Lake to 10
11 miles per hour at all hours when the State Fish and Wildlife Director de-
12 termines that the health of Diamond Lake is restored and the lake can be
13 restocked for fishing.

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

15 “830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually
16 propelled boat is a Class D violation. Notwithstanding ORS 153.019, the
17 presumptive fine for a violation of ORS 830.565 is \$30.

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

21 “(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094,
22 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855,
23 or rules adopted to carry out the purposes of those statutes, commits a Class
24 D violation.

25 “(3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375,
26 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out
27 the purposes of those statutes, commits a Class C violation.

28 “(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.195,
29 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335,
30 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370, 830.410,

1 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830 **or section 2 of this 2013**
2 **Act**, or rules adopted to carry out the purposes of those statutes, commits
3 a Class B violation.

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

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

8 “(7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325,
9 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

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

11 **“SECTION 5.** ORS 830.110 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 waters of this state in any manner in conflict with the markings prescribed
2 by the board.

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

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

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

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

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

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

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

29 “(19) For purposes of ORS 830.175, 830.180, 830.185 and 830.195 **and sec-**
30 **tion 2 of this 2013 Act**, in cooperation with the State Aviation Board, reg-

1 ulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

2 **SECTION 6.** ORS 835.205 is amended to read:

3 “835.205. For purposes of ORS 830.175, 830.180, 830.185 and 830.195 **and**
4 **section 2 of this 2013 Act**, the Oregon Department of Aviation, in cooper-
5 ation with the State Marine Board, shall regulate boats that are seaplanes
6 as provided in ORS 830.605 and 835.200.

7 **SECTION 7. This 2013 Act being necessary for the immediate**
8 **preservation of the public peace, health and safety, an emergency is**
9 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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