

**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.

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 subsection (2) of this section,
9 a person may not operate a seaplane on Waldo Lake. For the purposes
10 of this section, “operate” includes landing on or taking off from Waldo
11 Lake.**

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

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

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

16 **“(c) A person operating a seaplane on Waldo Lake if:**

17 **“(A) The person is not using the lake for pilot training;**

18 **“(B) The person lands on or takes off from the lake between 8 a.m.
19 or 30 minutes after sunrise, whichever is later, and 8 p.m. or 30 min-
20 utes after sunset, whichever is earlier;**

21 **“(C) The person uses the eastern half of the lake for arrivals and
22 departures;**

1 “(D) The person removes all invasive species prior to landing on
2 Waldo Lake;

3 “(E) The person uses noise abatement procedures that are consist-
4 ent with safe operating procedures; and

5 “(F) The person taxis using high power immediately before takeoff
6 only when required for safety reasons.

7 “(d) A person operating a seaplane on Waldo Lake in the event of
8 an emergency.

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

10 “830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually
11 propelled boat is a Class D violation. Notwithstanding ORS 153.019, the
12 presumptive fine for a violation of ORS 830.565 is \$30.

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

16 “(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094,
17 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855,
18 or rules adopted to carry out the purposes of those statutes, commits a Class
19 D violation.

20 “(3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375,
21 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out
22 the purposes of those statutes, commits a Class C violation.

23 “(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.195,
24 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335,
25 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370, 830.410,
26 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830 **or section 2 of this 2013**
27 **Act**, or rules adopted to carry out the purposes of those statutes, commits
28 a Class B violation.

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

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

3 “(7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325,
4 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

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

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

7 “830.110. In addition to the powers and duties otherwise provided in this
8 chapter, the State Marine Board shall have the power and duty to:

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

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

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

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

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

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

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

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

28 “(9) Exempt from any provisions of this chapter any class of boats if it
29 determines that the safety of persons and property will not be materially
30 promoted by the applicability of those provisions to the class of boats. The

1 board may not exempt from numbering any class of boats unless:

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

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

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

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

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

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

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

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

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

28 “(14) Make rules regarding marine toilets and their use consistent with
29 the prevention and control of pollution of the waters of this state and not
30 in conflict with the rules of the Oregon Health Authority or the Environ-

1 mental Quality Commission.

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

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

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

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

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

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

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

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

28 “835.205. For purposes of ORS 830.175, 830.180, 830.185 and 830.195 **and**
29 **section 2 of this 2013 Act**, the Oregon Department of Aviation, in cooper-
30 ation with the State Marine Board, shall regulate boats that are seaplanes

1 as provided in ORS 830.605 and 835.200.

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

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