

House Bill 2716

Sponsored by Representative GORSEK (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs outfitters and guides on waters rated class II or higher to require passengers 12 years of age and under to wear helmet and to provide helmet for passengers over 12 years of age.

A BILL FOR AN ACT

1
2 Relating to the use of helmets on certain river waters; creating new provisions; and amending ORS
3 704.070.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 704.070 is amended to read:

6 704.070. (1) A person who acts or offers to act as an outfitter and guide using boats to carry
7 passengers on the waters of this state shall:

8 (a) Equip each nonmotorized boat that is under the direct operation of an outfitter and guide
9 or an employee of an outfitter and guide to carry passengers on waters rated as class III or higher
10 on a commonly accepted scale of river difficulty with a rescue throw bag, complete with a length
11 of artificial fiber rope and a buoyant bag;

12 (b) On any section of waters rated as class III or higher on a commonly accepted scale of river
13 difficulty, require that all persons physically providing outfitting and guiding services and all pas-
14 sengers wear a properly secured United States Coast Guard approved personal flotation device of
15 a type prescribed by rules adopted by the State Marine Board;

16 (c) If the outfitter and guide operates nonmotorized boats carrying passengers on any section
17 of waters rated as class III or higher on a commonly accepted scale of river difficulty, require that
18 all persons physically providing outfitting and guiding services:

19 (A) Prior to providing the services, have completed at least one trip on that section of waters
20 in a nonmotorized boat; and

21 (B) Have been trained in equipment preparation and boat rigging, understanding and recognizing
22 river characteristics and hazards, methods of scouting rapids, methods of physically guiding boats
23 through rapids, proper client communication, how to provide paddling and safety instruction and
24 methods of river rescue techniques, including emergency procedures and equipment recovery; [*and*]

25 (d) If the outfitter and guide is a charter guide, ensure that the vessel used to carry passengers
26 complies with the equipment requirements for charter vessels under ORS 830.450[.]; **and**

27 (e) **On any section of waters rated as class II or higher on a commonly accepted scale**
28 **of river difficulty, require that all persons:**

29 (A) **Twelve years of age or under wear a properly secured helmet of a type prescribed**
30 **by rules adopted by the board; and**

31 (B) **Over 12 years of age who are either physically providing outfitting and guiding ser-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **vices or who are passengers are provided with a helmet of a type prescribed by rules adopted**
2 **by the board.**

3 (2) Subsection (1)(b) of this section does not apply to motorized boats that are inspected by the
4 United States Coast Guard.

5 **SECTION 2. The amendments to ORS 704.070 by section 1 of this 2017 Act apply to con-**
6 **duct occurring on or after the effective date of this 2017 Act.**

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