

# Senate Bill 643

Sponsored by Senator MONNES ANDERSON, Representative GORSEK; Representative HUFFMAN (at the request of Robert Birge and Shawna Wellman Birge in memory of Sharon Birge)

## 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**.

Requires persons 17 years of age or younger and who are operating boat, or who are passengers in boat, on section of waters rated class III or higher to wear helmet. Punishes by maximum fine of \$1,000.

## A BILL FOR AN ACT

1  
2 Relating to the use of helmets on certain river waters; creating new provisions; and amending ORS  
3 830.215 and 830.380.

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

5 **SECTION 1.** ORS 830.215 is amended to read:

6 830.215. (1) All boats must carry at least one United States Coast Guard approved personal  
7 flotation device in good and serviceable condition for each person on board. Each device must be  
8 of an appropriate size for the person for whom it is intended and must be readily accessible when-  
9 ever the boat is in use. As used in this subsection, a personal flotation device is not "readily ac-  
10 cessible" if it is stowed in a locked compartment or locker or is otherwise not immediately,  
11 physically available to persons on board the boat in case of an emergency.

12 (2) The State Marine Board by rule shall classify types of personal flotation devices and specify  
13 which types are approved for various classes of vessels. The rules must be consistent with, but may  
14 not exceed those regulations promulgated by the United States Coast Guard.

15 (3) Notwithstanding the classification by the State Marine Board of the types of personal  
16 flotation devices approved for various classes of vessels pursuant to subsection (2) of this section,  
17 a person operating a boat on any section of waters rated class III or higher on a commonly accepted  
18 scale of river difficulty, and all passengers in the boat, shall wear a properly secured personal  
19 flotation device. The personal flotation device must be of a type prescribed by rules adopted by the  
20 State Marine Board.

21 (4) **A person operating a boat on any section of waters rated class III or higher on a**  
22 **commonly accepted scale of river difficulty, and all passengers in the boat, shall wear a**  
23 **properly secured helmet. The helmet must be of a type prescribed by rules adopted by the**  
24 **State Marine Board. This subsection applies to persons 17 years of age or younger.**

25 **SECTION 2.** ORS 830.380 is amended to read:

26 830.380. (1) When a peace officer observes a boat being operated on the waters of this state in  
27 an especially hazardous condition and determines that continuance of the voyage of the boat could  
28 place the occupants in imminent danger, the peace officer may order the operator of the boat to take  
29 immediate and reasonable steps to remedy the especially hazardous condition, including but not  
30 limited to directing the operator to move to a moorage and remain there until the especially haz-

**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   ardous condition is remedied.

2       (2) For purposes of this section, an especially hazardous condition is limited to the following  
3 conditions:

4       (a) Improper or insufficient personal flotation devices **or improper or insufficient helmets** in  
5 violation of ORS 830.215;

6       (b) Improper or insufficient fire extinguishers in violation of ORS 830.220;

7       (c) Improper or insufficient backfire arresting devices on carburetors in violation of ORS  
8 830.235;

9       (d) Improper or insufficient navigation lights in violation of ORS 830.225 if found between sunset  
10 and sunrise;

11       (e) Overloading in violation of ORS 830.355;

12       (f) Overpowering; or

13       (g) Leakage of fuel from the boat engine, fuel system or bilge.

14       **SECTION 3. The amendments to ORS 830.215 and 830.380 by sections 1 and 2 of this 2017**  
15 **Act apply to conduct occurring on or after the effective date of this 2017 Act.**

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