

Requested by Representative MCKEOWN

**PROPOSED AMENDMENTS TO
HOUSE BILL 2320**

1 On page 1 of the printed bill, line 2, delete “153.096,”.

2 In line 3, delete “, 830.700”.

3 Delete lines 5 through 28 and delete pages 2 through 10 and insert:

4

5

“DEFINITIONS

6

7 **“SECTION 1. ORS 830.005 is amended to read:**

8 “830.005. As used in this chapter, unless the context requires otherwise:

9 “(1) ‘Board’ means the State Marine Board.

10 “(2) ‘Boat’ means every description of watercraft, including a seaplane on
11 the water and not in flight, used or capable of being used as a means of
12 transportation on the water, but does not include boathouses, floating homes,
13 air mattresses, beach and water toys or single inner tubes.

14 “(3) ‘Boating offense’ means violation of any provision of law that is made
15 a crime or violation under the provisions of this chapter.

16 “(4) ‘In flight’ means from the moment a seaplane starts its takeoff run
17 until the end of a normal power-off landing run.

18 “(5) ‘Length’ means the length of a boat measured from end to end over
19 the deck excluding sheer.

20 “(6) ‘Motorboat’ means any boat propelled in whole or in part by ma-
21 chinery, including boats temporarily equipped with detachable motors.

1 “(7) ‘Navigable waters of the United States’ means those waters of the
2 United States, including the territorial seas adjacent thereto, the general
3 character of which is navigable, and that, either by themselves or by uniting
4 with other waters, form a continuous waterway on which boats or vessels
5 may navigate or travel between two or more states, or to and from foreign
6 nations.

7 “(8) ‘Nonmotorized boat’ means a boat that is not propelled by ma-
8 chinery.

9 “[8] (9) ‘Operate’ means to navigate or otherwise use a boat.

10 “[9] (10) ‘Operator of a boat livery’ means any person who is engaged
11 wholly or in part in the business of chartering or renting boats to other
12 persons.

13 “[10] (11) ‘Passenger’ means every person on board a boat who is not the
14 master, operator, crew member or other person engaged in any capacity in
15 the business of the boat.

16 “[11] (12) ‘Peace officer’ includes a member of the Oregon State Police,
17 a sheriff or deputy sheriff, a city police officer, an authorized tribal police
18 officer as defined in ORS 181A.680, and a police officer commissioned by a
19 university under ORS 352.121 or 353.125.

20 “[12] (13) ‘State waters’ means those waters entirely within the confines
21 of this state that have not been declared navigable waters of the United
22 States.

23 “[13] (14) ‘Waters of this state’ means all waters within the territorial
24 limits of this state, the marginal sea adjacent to this state and the high seas
25 when navigated as part of a journey or ride to or from the shore of this state.

26

27 **“NONMOTORIZED BOATING PROGRAM**

28

29 **“SECTION 2. Sections 3 to 12 of this 2017 Act are added to and made**
30 **a part of ORS chapter 830.**

1 **“SECTION 3. Nonmotorized Boating Program. (1) The Nonmotor-**
2 **ized Boating Program is created, to be administered by the State Ma-**
3 **rine Board as provided in sections 3 to 12 of this 2017 Act. The purpose**
4 **of the program is to provide education about nonmotorized boat use,**
5 **to provide safety enforcement of boating regulations for nonmotorized**
6 **boat operators to provide safe access to the waters of this state for**
7 **nonmotorized boat use.**

8 **“(2) The board shall adopt rules to administer and implement the**
9 **program under sections 3 to 12 of this 2017 Act.**

10 **“SECTION 4. Nonmotorized Boating Education Program. (1) As**
11 **used in this section, ‘nonprofit organization’ means an organization**
12 **described in section 501(c)(3) or (4) of the Internal Revenue Code that**
13 **is exempt from income tax under section 501(a) of the Internal Reve-**
14 **nue Code.**

15 **“(2) As part of the Nonmotorized Boating Program created under**
16 **section 3 of this 2017 Act, the State Marine Board shall establish a**
17 **voluntary nonmotorized boating education program. In establishing**
18 **the nonmotorized boating education program, the board shall:**

19 **“(a) Create a course of instruction and examination for nonmotor-**
20 **ized boat operators, designed to educate and test operators on the**
21 **minimum standards of safety and competency established pursuant to**
22 **paragraph (b) of this subsection; and**

23 **“(b) Set minimum standards of safety education competency for**
24 **beginning level operators of nonmotorized boats, which must include**
25 **classroom and on-water competencies.**

26 **“(3) The board may:**

27 **“(a) Issue grants, as provided in section 10 of this 2017 Act, to**
28 **nonprofit organizations to assist the nonprofit organizations in pro-**
29 **viding education about nonmotorized boat use.**

30 **“(b) Approve the use of commercially provided safety courses for**

1 nonmotorized boat operators if the courses meet the standards estab-
2 lished by the board under this section.

3 “(4) The board shall adopt by rule:

4 “(a) The minimum standards described in subsection (2)(b) of this
5 section.

6 “(b) Requirements for operators of boat liveries to provide educa-
7 tional information to customers.

8 **“SECTION 5. Nonmotorized Boating Safety Enforcement. As part
9 of the Nonmotorized Boating Program created under section 3 of this
10 2017 Act, the State Marine Board:**

11 “(1) May contract with a city, with the Department of State Police
12 or with a county sheriff for patrols in areas with significant presence
13 of nonmotorized boats, as determined by the board, to enforce the laws
14 of this chapter and to reduce conflict between users of the waters of
15 this state.

16 “(2) May contract with a city, with the department or with a county
17 sheriff for the purchase of appropriate watercraft to assist in the du-
18 ties identified in subsection (1) of this section.

19 “(3) May contract with any person or public body, as defined in ORS
20 174.109, to remove any obstruction as described in ORS 830.160 for
21 nonmotorized boating.

22 **“SECTION 6. Access for Nonmotorized Boat Use. (1) As used in this
23 section, ‘public body’ has the meaning given that term in ORS 174.109.**

24 “(2) As part of the Nonmotorized Boating Program created under
25 section 3 of this 2017 Act, the State Marine Board may:

26 “(a) Provide grants under section 10 of this 2017 Act to assist public
27 bodies and federal agencies with:

28 “(A) The purchase of land, leases or easements in order to provide
29 access to public waterways.

30 “(B) The construction, renovation, expansion or development of

1 public boating facilities for nonmotorized boat use.

2 “(C) The construction, renovation, expansion or development of
3 public play parks for nonmotorized boat use, such as whitewater parks
4 and competition courses. In addition, the board may also provide
5 grants to private entities to assist with the activities described in this
6 subparagraph.

7 “(D) Modifying or upgrading existing public boating facilities to
8 accommodate or incorporate nonmotorized boat use.

9 “(b) Provide technical services to support the activities described in
10 this section.

11 “(c) Provide maintenance assistance program funding as defined by
12 the board by rule.

13 **“SECTION 7. Nonmotorized Boating Permit. (1) Except as provided**
14 **in subsections (2) and (3) of this section, a person 14 years of age or**
15 **older shall carry a nonmotorized boating permit while operating a**
16 **nonmotorized boat, in the manner provided by the State Marine Board**
17 **by rule. The person shall present proof of a permit upon request by a**
18 **peace officer.**

19 “(2) Subsection (1) of this section does not apply to:

20 “(a) A person operating a nonmotorized boat that is displaying a
21 validation sticker as required under ORS 830.795.

22 “(b) A person operating a nonmotorized boat, if the nonmotorized
23 boat is owned by an operator of a boat livery and the person displays
24 proof of holding a nonmotorized boating permit according to rules
25 adopted by the board.

26 “(c) A person operating a nonmotorized boat on a federally desig-
27 nated wild and scenic river for which a separate fee system is in place.

28 “(d) A person operating a nonmotorized boat, if the person is en-
29 gaged in law enforcement, public safety or official business of a fed-
30 eral, state or municipal agency as defined by the board by rule.

1 “(e) A resident of a border state who launches a nonmotorized boat
2 from that border state into border waters, as defined by the board by
3 rule.

4 “(f) A person operating a nonmotorized boat, if the person holds a
5 nonmotorized boating permit, a registration or a similar authorization
6 that is issued by another state and accepted by the board by rule.

7 “(3) The board may adopt rules that provide additional exemptions
8 from the requirement to obtain a permit under subsection (1) of this
9 section.

10 “SECTION 8. Nonmotorized Boating Permit; issuance; fee. (1) The
11 State Marine Board shall issue a nonmotorized boating permit to a
12 person who pays the fee for the permit described in section 7 of this
13 2017 Act.

14 “(2) The board may appoint agents to issue nonmotorized boating
15 permits.

16 “(3) Agents shall issue nonmotorized boating permits in accordance
17 with procedures prescribed by the board by rule and shall charge and
18 collect the nonmotorized boating permit fees prescribed by law.

19 “(4) The board may authorize an agent other than a board employee
20 to charge a service fee of \$2, in addition to the nonmotorized boating
21 permit fee, for the issuance service performed by the agent.

22 “(5) The board shall supply the agents with nonmotorized boating
23 permits, if applicable.

24 “(6) An operator of a boat livery shall display proof of holding a
25 nonmotorized boat permit according to rules adopted by the board.

26 “(7) The board may combine a nonmotorized boating permit with
27 other permits, certificates, licenses or registrations issued by the
28 board to the same person in the manner provided by the board by rule.

29 “SECTION 9. Nonmotorized Boating Permit Fees. (1) Notwith-
30 standing ORS 830.790 (3), fees for issuance of a nonmotorized boating

1 permit are as follows:

2 “(a) \$4 for a one-week permit.

3 “(b) \$12 for an annual permit.

4 “(c) \$20 for a biennial permit.

5 “(d) The annual fee for an operator of a boat livery that offers
6 nonmotorized boats is:

7 “(A) \$60 for an operator who owns 6 to 10 nonmotorized boats.

8 “(B) \$110 for an operator who owns 11 to 20 nonmotorized boats.

9 “(C) \$200 for an operator who owns 21 or more nonmotorized boats.

10 “(2) The State Marine Board shall deposit fees received under this
11 section into the Nonmotorized Boating Program Fund established un-
12 der section 12 of this 2017 Act.

13 **“SECTION 10. Grants from Nonmotorized Boating Program Fund.**

14 (1) The State Marine Board may provide, from moneys in the Nonmo-
15 torized Boating Program Fund established under section 12 of this 2017
16 Act, grants to public bodies, as defined in ORS 174.109, to private en-
17 tities and to nonprofit organizations, as defined in section 4 of this 2017
18 Act, to assist in paying for costs incurred to:

19 “(a) Provide nonmotorized boating education pursuant to section 4
20 of this 2017 Act; or

21 “(b) Implement the provisions of section 6 of this 2017 Act.

22 “(2) The board shall adopt rules for implementing the grant pro-
23 gram described in this section.

24 **“SECTION 11. Advertising.** (1) The State Marine Board may sell
25 advertising in board publications, including promotional brochures,
26 educational information, signs and other media.

27 “(2) The board shall deposit any advertising proceeds into the Non-
28 motorized Boating Program Fund established in section 12 of this 2017
29 Act. The board shall first expend the proceeds to offset costs for pro-
30 duction, printing and publication. The board may expend any remain-

1 ing proceeds for the purposes authorized in section 12 of this 2017 Act.

2 **“SECTION 12. Nonmotorized Boating Program Fund. (1) The Non-**
3 **motorized Boating Program Fund is established in the State Treasury,**
4 **separate and distinct from the General Fund. Interest earned by the**
5 **Nonmotorized Boating Program Fund shall be credited to the fund.**
6 **Moneys in the fund are continuously appropriated to the State Marine**
7 **Board for the purpose of administering the Nonmotorized Boating**
8 **Program under sections 3 to 12 of this 2017 Act.**

9 **“(2)(a) The fund consists of:**

10 **“(A) Moneys deposited into the fund under sections 9 and 11 of this**
11 **2017 Act.**

12 **“(B) Moneys received under paragraph (b) of this subsection.**

13 **“(C) Any other moneys appropriated to the fund by the Legislative**
14 **Assembly.**

15 **“(b) The board may receive gifts, grants or contributions from any**
16 **source, whether public or private. Moneys received under this para-**
17 **graph shall be deposited into the fund.**

18 **“(3) The board may use the moneys in the fund:**

19 **“(a) To pay the costs of administering and implementing the Non-**
20 **motorized Boating Program under sections 3 to 12 of this 2017 Act,**
21 **including production, printing and publishing costs under section 11**
22 **of this 2017 Act.**

23 **“(b) To provide grants as provided in section 10 of this 2017 Act.**

24 **“(c) For any other purpose described in sections 3 to 12 of this 2017**
25 **Act.**

26 **“SECTION 13. ORS 830.110 is amended to read:**

27 **“830.110. In addition to the powers and duties otherwise provided in this**
28 **chapter, the State Marine Board shall have the power and duty to:**

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

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

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

7 “(4) Make contracts necessary to carry out the provisions of ORS 830.060
8 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795
9 to 830.820 and 830.830 to 830.870 **and sections 3 to 12 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(19) For purposes of ORS 830.175, 830.180, 830.185, 830.187 and 830.195, in
16 cooperation with the State Aviation Board, regulate boats that are seaplanes
17 as provided in ORS 830.605 and 835.200.

18

19

“PENALTIES

20

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

22 “830.990. (1)(a) Violation of ORS 830.565 by a person operating a [*manu-*
23 *ally propelled*] **nonmotorized** boat is a Class D violation. Notwithstanding
24 ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person
25 operating a [*manually propelled*] **nonmotorized** boat is \$30.

26 “(b) Violation of ORS 830.565 by a person operating a motorboat is a
27 Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a
28 violation of ORS 830.565 by a person operating a motorboat is \$50.

29 “(2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094,
30 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855

1 **or section 7 of this 2017 Act**, or rules adopted to carry out the purposes
2 of those statutes, commits a Class D violation.

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

6 “(4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187,
7 830.195, 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3),
8 830.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370,
9 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830, or rules adopted
10 to carry out the purposes of those statutes, commits a Class B violation.

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

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

14 “(7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325,
15 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

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

17 “(9) A person who violates ORS 830.944 commits a Class A violation.

18

19 **“CONFORMING AMENDMENTS**

20

21 **“SECTION 15.** ORS 830.172 is amended to read:

22 “830.172. (1) In addition to those powers and duties set forth in ORS
23 830.110, the State Marine Board shall review county boat use permit pro-
24 grams, adopted by county ordinance, for approval or denial.

25 “(2) The board shall review county boat use permit programs under the
26 following standards:

27 “(a) Funds shall be dedicated to county boating programs for boating
28 safety, marine law enforcement or boating facilities;

29 “(b) The program applies only to counties bordering a state that allows
30 imposition of a boat use permit fee;

1 “(c) The program meets standards adopted by rule by the board pertaining
2 to:

3 “(A) Use of funds;

4 “(B) Amount of fee;

5 “(C) Administration; and

6 “(D) Enforcement; and

7 “(d) Boats with a current, valid certificate of number issued by the board
8 under ORS 830.795 and [*manually propelled vessels*] **nonmotorized boats** are
9 exempt from county boat use permits.

10 “**SECTION 16.** ORS 830.565 is amended to read:

11 “830.565. (1) A person may not operate a [*manually propelled*] **nonmo-**
12 **torized** boat that is 10 feet or more in length or a motorboat on the waters
13 of this state without first obtaining an aquatic invasive species prevention
14 permit from the State Marine Board under ORS 830.570.

15 “(2) A person who obtains an aquatic invasive species prevention permit
16 for a [*manually propelled*] **nonmotorized** boat may use the permit on any
17 [*manually propelled*] **nonmotorized** boat the person operates on the waters
18 of this state.

19 “**SECTION 17.** ORS 830.570 is amended to read:

20 “830.570. (1) The State Marine Board shall issue and renew an aquatic
21 invasive species prevention permit to a person who pays the fee for the per-
22 mit described in ORS 830.575.

23 “(2) The board may appoint agents to issue aquatic invasive species pre-
24 vention permits.

25 “(3) Agents shall issue permits in accordance with procedures prescribed
26 by the board by rule and shall charge and collect the aquatic invasive species
27 prevention permit fees prescribed by law.

28 “(4) The board may authorize an agent other than a board employee to
29 charge a service fee of \$2, in addition to the permit fee, for the issuance
30 service performed by the agent.

1 “(5) The board shall supply the agents with motorboat and [*manually*
2 *propelled*] **nonmotorized** boat aquatic invasive species prevention permits.

3 **“SECTION 18.** ORS 830.575 is amended to read:

4 “830.575. Notwithstanding ORS 830.790 (3), fees for issuance and renewal
5 of an aquatic invasive species prevention permit are as follows:

6 “(1) The biennial fee for a motorboat issued a certificate of number under
7 ORS 830.795 is \$5.

8 “(2) The annual fee for a [*manually propelled*] **nonmotorized** boat 10 feet
9 or more in length is \$5.

10 “(3) The annual fee for a motorboat operated by a nonresident is \$20.

11 **“(4) The weekly fee for a nonmotorized boat user issued a one-week**
12 **nonmotorized boating permit under section 9 of this 2017 Act is \$1.**

13 “[~~(4)~~] (5) The annual fee for an operator of a boat livery is:

14 “(a) \$30 for an operator who owns 6 to 10 [*manually propelled*] **nonmo-**
15 **torized** boats;

16 “(b) \$55 for an operator who owns 11 to 20 [*manually propelled*] **nonmo-**
17 **torized** boats; or

18 “(c) \$100 for an operator who owns 21 or more [*manually propelled*]
19 **nonmotorized** boats.

20

21 **“CAPTIONS**

22

23 **“SECTION 19.** The unit and section captions used in this 2017 Act
24 are provided only for the convenience of the reader and do not become
25 part of the statutory law of this state or express any legislative intent
26 in the enactment of this 2017 Act.

27

28 **“OPERATIVE DATE**

29

30 **“SECTION 20.** (1) Sections 2 to 12 of this 2017 Act and the amend-

1 **ments to ORS 830.005, 830.110, 830.172, 830.565, 830.570, 830.575 and**
2 **830.990 by sections 1 and 13 to 18 of this 2017 Act become operative on**
3 **January 1, 2018.**

4 **“(2) The State Marine Board may take any action before the oper-**
5 **ative date specified in subsection (1) of this section that is necessary**
6 **to enable the board to exercise, on and after the operative date speci-**
7 **fied in subsection (1) of this section, all the duties, functions and**
8 **powers conferred on the board by sections 2 to 12 of this 2017 Act and**
9 **the amendments to ORS 830.005, 830.110, 830.172, 830.565, 830.570, 830.575**
10 **and 830.990 by sections 1 and 13 to 18 of this 2017 Act.**

11

12

“EMERGENCY CLAUSE

13

14 **“SECTION 21. This 2017 Act being necessary for the immediate**
15 **preservation of the public peace, health and safety, an emergency is**
16 **declared to exist, and this 2017 Act takes effect on its passage.”.**

17
