

House Bill 4138

Sponsored by Representatives KENNEMER, VIAL (Presession 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**.

Authorizes State Marine Board to make special regulations relating to operation of motorboats to minimize and prevent erosion at request of Department of State Lands.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to motorboats; amending ORS 830.175; and prescribing an effective date.

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

3 **SECTION 1.** ORS 830.175 is amended to read:

4 830.175. (1) The State Marine Board, upon consideration of the size of a body of water and
5 traffic conditions, may make special regulations consistent with the safety and the property rights
6 of the public or when traffic conditions become such as to create excessive congestion, relating to
7 the operation of boats in any waters within the territorial limits of any political subdivision of this
8 state. The regulations may include, but need not be limited to, the establishment of designated
9 speeds, the prohibition of the use of motorboats and the designation of areas and times for testing
10 racing motorboats.
11

12 (2) The governing body of a political subdivision of this state may apply to the board for special
13 regulations relating to the designation of moorage areas on lakes or reservoirs which are under the
14 jurisdiction of a public agency, or to the operation of boats on the waters within the territorial
15 limits of the political subdivision. Within a reasonable time, the board shall act upon the application
16 in the manner provided in subsection (1) of this section. When special regulations have been estab-
17 lished within a political subdivision in accordance with this subsection, the governing body shall
18 establish and maintain the navigational markers prescribed by the board.

19 (3) The board may make special regulations relating to the operation of boats, including the
20 establishment of designated speeds and **the** prohibition of the use of motorboats, for:

21 (a) The protection of game and game fish at the request of the State Fish and Wildlife Com-
22 mission;[, *or for*]

23 (b) Carrying out the provisions of the federal Wild and Scenic Rivers Act, Public Law 90-542,
24 and the Oregon Scenic Waterways Act, ORS 390.805 to 390.925; **or**

25 (c) **Minimizing or preventing erosion at the request of the Department of State Lands.**

26 (4) Action necessary to implement this section, including but not limited to the operation and
27 manner of operation of boats, shall be by a permit system initiated by the board.

28 [(4)] (5) The board may designate certain rivers or sections of rivers as hazardous. In making
29 such designations, the board may consider recommendations of guide associations incorporated in
30 this state.

31 [(5)] (6) Regulations regarding operation of boats pursuant to this section shall be adopted in

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 accordance with the provisions of ORS chapter 183.

2 [(6)] (7) Any speeds in excess of the speeds designated by the board, as provided in this section,
3 shall be prima facie evidence of the violation of ORS 830.315.

4 **SECTION 2. This 2018 Act takes effect on the 91st day after the date on which the 2018**
5 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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