

HB 2079 STAFF MEASURE SUMMARY

House Committee On Natural Resources

Prepared By: Kailey Kornhauser, LPRO Analyst

Meeting Dates: 1/31

WHAT THE MEASURE DOES:

Increases penalty required to be imposed by court for a violation of boating under the influence of intoxicants or reckless boating to include Marine Board suspension of boating safety education card for one year. Requires Marine Board, in addition to other penalties, to suspend an individuals boater education card for three-years for willfully refusing the request of a peace officer to submit to chemical testing of breath and or a field sobriety test. Changes language to include the term "recklessly" from Oregon statute defined as a person aware of and consciously disregarding a substantial and unjustifiable risk. Reduces fine for failing to carry a properly fitting life jacket from a Class B violation to a Class D violation punished by a fine of \$115.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the Oregon State Marine Board (OSMB), individuals found guilty of boating under the influence of Intoxicants (BUII) are subject to having their boating privileges revoked for 1-3 years. If the person found guilty is a boat owner, the OSMB is directed to suspend the certificate number (registration) of the boat, which may impact additional owners, a trust or a corporation not in violation of the law. Oregon Statute currently refers to "willful or wanton" disregard for safety. Failure to carry a properly fitting life jacket for every person on board a boat is a Class B violation with a fine of \$265.

House Bill 2079 enables courts and the Marine Board to suspend a Boater Education Card for one to three-years for Boating Under the Influence of Intoxicants or reckless boating, updates language consistent with Oregon statute, and reduces the fine for failing to carry a properly fitting life jacket.