



Oregon

Kate Brown, Governor

State Marine Board

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January 29, 2019

House Committee on Natural Resources

Chair Representative Brad Witt
Vice-Chair Representative Chris Gorsek
Vice-Chair Representative Sherrie Sprenger
Representative Greg Barreto
Representative Caddy McKeown
Representative Jeff Reardon
Representative David Brock Smith

Dear Chair Witt, Vice-Chair Gorsek, Vice-Chair Sprenger and Members:

This testimony is provided for HB 2077 which requires boat livery (boat rental businesses) to register with the Marine Board and provide basic information about their business.

The information is in response to a request by the House Committee to gain a better understanding of a boat livery's requirement to ensure rental boats are properly equipped and what happens if law enforcement encounters a rental boat on the water that isn't properly equipped.

As it relates to a boat livery's obligation to ensure a rental boat is properly equipped, ORS 830.410 states:

830.410 *Operator of boat livery to provide properly equipped boats. No operator of a boat livery shall permit any boat the operator rents to depart from the livery premises unless the boat is equipped as provided under ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 [the statutes which identify and relate to a properly equipped boat].*

The livery's business model dictates whether the livery will provide the required safety equipment or if the customer must bring their own safety equipment when renting a boat. Regardless of where the onus rests, the livery business is subject to a Class B violation if they allow their rental boat to leave their premises without the proper safety equipment.

When law enforcement encounters a rental boat that isn't properly equipped, the officer must determine whether the livery met its obligation under ORS 830.410. If the livery met its obligation and their customer subsequently chose not to carry the required safety equipment, then the customer may receive a citation or warning. If the officer determines that the livery did not meet its obligation under ORS 830.114, then the livery may be cited or warned for failing to meet their statutory requirement.



In 2018, for example, there was an unfortunate fatality that occurred in a rented boat. Law enforcement investigated and determined that the boat livery provided all the proper safety equipment, completed the necessary steps to ensure proper lifejacket fit, and educated their customer on the safety equipment requirements. Given the livery had met its statutory requirements, it was not cited or warned for violating ORS 830.410.

However, in the same year, a livery rented a kayak to a customer. During a routine safety check, law enforcement determined the kayaker was allowed to leave the boat livery without the required safety equipment. The kayaker had neither lifejacket nor a sound device on board. In this circumstance, the boat livery was cited in violation of ORS 830.410.

By stipulating a boat livery must register with the Marine Board and provide basic business operation information, including whether the customer is responsible for providing their own safety equipment for boat rental, HB2077 would improve boating safety.

If I may provide any additional information or clarification, I can be reached at (503) 378-2617.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Warren", with a long horizontal flourish extending to the right.

Larry Warren
Director