



# Oregon

Kate Brown, Governor

## State Marine Board

435 Commercial St NE, Suite 400  
PO Box 14145  
Salem, OR 97309-5065  
Main (503) 378-8587  
Fax (503) 378-4597  
[www.BoatOregon.com](http://www.BoatOregon.com)



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Senate Committee on Environment and Natural Resources  
Chair Senator Michael Dembrow  
Vice-Chair Senator Alan Olsen  
Senator Cliff Bentz  
Senator Floyd Prozanski  
Senator Arnie Roblan

Dear Chair Dembrow, Vice-Chair Olsen, and Members of the Committee:

### **RE: Follow up information on House Bill 2076, Section 12(1)**

As introduced, House Bill 2076, Section 12(1) reads:

SECTION 12. (1) When a peace officer stops a person transporting a recreational or commercial watercraft for failing to stop at an aquatic invasive species check station as required under ORS 830.589, the peace officer may request that the person immediately drive to the nearest aquatic invasive species check station and have the watercraft inspected and, if needed, decontaminated, provided that:

- (a) The peace officer has probable cause that the person violated ORS 830.589 by failing to stop at an aquatic invasive species check station; and
- (b) An aquatic invasive species check station is open within five miles of the location of the stop.

This language was modeled after other statute that gives law enforcement officials the authority to require potentially overloaded vehicles to return to a certified weigh station:

810.490 Weighing and measuring vehicles; citation; reduction of load.

(1) Any police officer may stop, measure and weigh any vehicle or combination of vehicles by means of either portable or stationary measures and scales, and having reason to believe that any vehicle or combination of vehicles, including any load thereon, is unlawful, or having reason to believe that the combined weight or loaded weight of the vehicle exceeds the registration weight for the vehicle, may require that such vehicle or combination of vehicles be driven to the nearest public or certified scales, in the event such scales are within five miles...

In both situations, the intention is to provide law enforcement the ability to return vehicles to a check station when they observe a motorist illegally bypassing a required inspection. Peace officers stationed at the mandatory check station are given the authority to not only issue citations or warnings, but also to return the violator to the check station. Since offending vehicles are immediately pulled over after passing the station, the law enforcement contact generally occurs well within five miles.

Currently, watercraft inspection station compliance is conducted by Oregon State Police (Fish and Wildlife Troopers) and several County Sheriff Departments (Klamath Falls, Curry and Malheur). These entities are currently under contract with the Oregon Marine Board to perform a certain amount of hours per week enforcing the mandatory stopping requirement. When law enforcement officers conduct their enforcement hours at the inspection stations, they monitor traffic flow from either directly at an inspection station or from a vantage point where they can see the station and also the passing traffic. During these on-site hours, if any boat that is being transported past the station doesn't stop, then they are pulled over by the officer during a traffic stop. The officer will then decide based on the circumstances of the situation to either issue a citation (Class D Violation) or a warning to the driver/owner of the watercraft. In the past

three years alone, law enforcement officers have stopped nearly 600 vehicles with watercraft that bypassed the inspection station (see below). Enforcement did not have the authority to return these vehicles to the check station after contact, which would change with the passage of HB 2076.

<b>Year</b>	<b>Enforcement Stops</b>	<b>Citations</b>	<b>Warnings</b>
2018	222	89	133
2017	123	54	69
2016	244	75	169

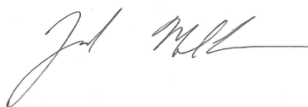
When law enforcement is not present at an AIS boat inspection station, the inspectors will monitor traffic as able and document the number of watercraft that do not stop for the mandatory inspection. There are no phone calls from boat inspectors to law enforcement officers to report that a boat didn't stop at a station, and vehicles are not being pulled over for this violation other than in close proximity (<5 miles) to the station.

Oregon State Marine Board staff looked into how other Western states deal with the issue of compliance at mandatory aquatic invasive species check stations, and whether peace officers have the authority to reroute violators back to the station and from what distance. It appears that officials in many states have the implied authority to return vessels back to bypassed check stations, but explicit distance limits were not found.

It should also be noted that, if a law enforcement official encounters an AIS violation at a location away from a watercraft inspection station; other statutes provide options to mitigate the threat to Oregon waterways. For example, if a watercraft is determined to be carrying a prohibited species (i.e. visible quagga mussels are attached to the vessel), then law enforcement can hold the vessel because it is carrying a prohibited species (OAR 635-056-0050). It is also illegal for vessels to be launched in State waters that have any aquatic species attached to the boat and/or trailer (OAR 830.560).

If I may provide any additional information or clarification, I can be reached at (503) 378-2836 or at [Josh.Mulhollem@oregon.gov](mailto:Josh.Mulhollem@oregon.gov).

Sincerely,



Josh Mulhollem,  
Environmental and Policy Program Manager