

HB 2079 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/18, 5/22

WHAT THE MEASURE DOES:

Renames the crime of reckless operation of a boat to reckless boating. Creates new definition for reckless boating. Reduces failing to carry a personal floatation device from a Class B violation to a Class D violation. Requires suspension of individual's boating safety education card if person convicted of reckless boating or boating while under the influence intoxicants (BUII) for one year. Provides that person refusing to take breath, urine, or blood test after arrest for BUII is subject to three year suspension of boating safety education card and a three year prohibition on applying for a certificate of title, registration, or numbering.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Creates two-pronged process for police officer to request consent for breath or blood test from individual arrested under suspicion of boating under the influence of intoxicants. Directs officer to first ask for consent to test individual and then, if individual refuses, to ask for physical cooperation and explain legal consequences of refusal to cooperate with test. Provides that evidence of refusal to cooperate can be used against defendant in court.

BACKGROUND:

Under current Oregon law, a person commits the crime of reckless operation of a boat if the person operates a boat carelessly and heedlessly in willful or wanton disregard of the rights, safety, or property of others. Additionally, failure to carry properly sized personal floatation device for each person on board that is easily accessible is a Class B violation. Meanwhile, a person who boats under the influence of intoxicates (BUII) is not eligible to apply to title, register, or number a new boat and shall have all current titles, registrations, or numberings canceled for at least one year and substantially longer if the person refused to take an otherwise lawfully requested breath, urine, or blood test after being arrested under suspicion of BUII.

House Bill 2079 renames the crime of reckless operation of a boat to reckless boating and replaces obsolete language with the recklessness standard used in the vehicle code. It also reduces the classification of failing to carry a personal flotation device from a Class B violation to a Class D violation, requires suspension of an individual's boating safety education card for one year if the individual is convicted of reckless boating or BUII, and provides that a person arrested for BUII who refuses a breath, urine, or blood test will have his or her boating safety education card suspended for three years and is ineligible to apply for a title, registration, or numbering his or her boat during that time. Finally, HB 2079 removes the requirement that a person convicted of BUII have his or her current title, registration, or numbering canceled if convicted of BUII to ensure non-parties are not affected.