

House Bill 2352

Sponsored by Representatives POWER, HELM (Pre-session 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**.

Creates towed watersports program within State Marine Board.

Requires person operating motorboat for purpose of engaging in towed watersports on specified waters of this state to hold towed watersports endorsement. Requires owners of motorboats engaged in towed watersports on specified waters of this state to hold towed watersports motorboat certificate.

Punishes by maximum of \$1,000 fine. Punishes second or subsequent offense within three years by maximum of \$2,000 fine and requires court to order person to not operate boat for one year and to complete boating safety course.

Requires court to order person to not operate boat for one year and to complete boating safety course if person is convicted of certain boating offenses within three-year period preceding date of person's current conviction.

Directs State Marine Board to suspend person's towed watersports endorsement and towed watersports motorboat certificate if board receives notice from court that person has been convicted of certain boating offenses.

A BILL FOR AN ACT

1
2 Relating to boats; creating new provisions; and amending ORS 830.110 and 830.990.

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

4 **SECTION 1. Sections 2 to 5 of this 2019 Act are added to and made a part of ORS chapter**
5 **830.**

6 **SECTION 2. (1) There is created within the State Marine Board a towed watersports**
7 **program.**

8 **(2) The program shall:**

9 **(a) Provide towed watersports safety education;**

10 **(b) Issue and renew towed watersports endorsements;**

11 **(c) Issue and renew towed watersports motorboat certificates in the form of decals;**

12 **(d) Develop and promote towed watersports safety promotions, best practices and public**
13 **education;**

14 **(e) Address wave energy management techniques and operator responsibilities for acci-**
15 **dent and property damage prevention; and**

16 **(f) Compile information regarding the make, model, length, dry gross weight and maxi-**
17 **imum factory ballast capacity specifications of motor boats for which the towed watersports**
18 **motorboat decal was issued.**

19 **(3) In establishing towed watersports safety education as part of the towed watersports**
20 **endorsement, the board shall:**

21 **(a) Set a minimum standard of competency. The board may review and update the mini-**
22 **imum standard of competency as necessary.**

23 **(b) Create a towed watersports endorsement course and towed watersports endorsement**
24 **examination designed to educate and test for the minimum standard of competency under**

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 paragraph (a) of this subsection.

2 (c) Create an equivalency examination that may substitute for taking the towed
3 watersports endorsement course.

4 (d) Allow use of commercially provided towed watersports endorsement courses provided
5 the courses meet the standard adopted by the board.

6 (e) Establish a fee under section 4 of this 2019 Act for the issuance and renewal of towed
7 watersports endorsements.

8 **SECTION 3. (1) A person may obtain a towed watersports endorsement if:**

9 (a)(A) The person is a resident of this state and the person holds a boating safety cer-
10 tificate issued under ORS 830.084; or

11 (B) The person is not a resident of this state and the person holds a current out-of-state
12 boating certificate;

13 (b) The person passes the towed watersports endorsement examination, or the equiv-
14 alency examination, as described in section 2 of this 2019 Act;

15 (c) The person pays the fee established by the board under section 4 of this 2019 Act; and

16 (d) The person provides any other information required by the board by rule.

17 (2) A person may obtain a towed watersports motorboat certificate if the person is the
18 owner of a registered motorboat and:

19 (a) The person holds a towed watersports endorsement issued under this section;

20 (b) The motorboat loading weight meets the requirements for maximum loading weight
21 established by the board by rule;

22 (c) The person provides the board with information regarding the motorboat's make,
23 model, length, dry gross weight and maximum factory ballast capacity specifications as listed
24 by the manufacturer; and

25 (d) The person provides any other information required by the board by rule.

26 (3) A towed watersports endorsement and towed watersports motorboat certificate issued
27 under this section starts on the day the endorsement or certificate is issued and expires on
28 December 31 of the last year in the two-year period.

29 (4) A person issued a towed watersports endorsement or towed watersports motorboat
30 certificate under this section may renew the endorsement or certificate by:

31 (a) Paying the towed watersports endorsement renewal fee established under section 4
32 of this 2019 Act; and

33 (b) Completing an application in the form and manner required by the board by rule.

34 (5) The board shall issue a towed watersports motorboat certificate in the form of a
35 decal. The decal must be affixed to the motorboat in accordance with rules adopted by the
36 board.

37 (6) The board may appoint agents to issue towed watersports endorsements and towed
38 watersports motorboat certificates.

39 (7) Agents shall issue towed watersports endorsements and towed watersports motorboat
40 certificates in accordance with procedures prescribed by the board by rule and shall charge
41 and collect the endorsement fees prescribed by law.

42 (8) The board may authorize an agent other than a board employee to charge a service
43 fee of \$2, in addition to the towed watersports endorsement fee, for the issuance service
44 performed by the agent.

45 (9) The board shall supply the agents with towed watersports endorsements and towed

1 watersports motorboat certificates, if applicable.

2 **SECTION 4.** (1) The State Marine Board, by rule, shall establish and collect issuance and
3 renewal fees for towed watersports endorsements.

4 (2) The amount of the fees may not exceed the amount to register a motorboat that is
5 20 feet in length.

6 (3) The fees collected shall be used:

7 (a) To cover the costs of administering and implementing the towed watersports pro-
8 gram; and

9 (b) To assist with paying the costs of law enforcement activities related to towed
10 watersports on waters of this state described in section 5 of this 2019 Act. The board shall
11 determine the amount required for law enforcement activities and the intervals at which the
12 moneys shall be deposited into the Boating Safety, Law Enforcement and Facility Account
13 established under ORS 830.140.

14 **SECTION 5.** (1) As used in this section, "Newberg Pool Congested Zone" means the por-
15 tion of the Willamette River beginning at river mile 30 and ending at river mile 50.

16 (2) A person shall carry a towed watersports endorsement if the person is:

17 (a) Engaged in towed watersports; and

18 (b) On waters within the Newberg Pool Congested Zone or in a congested zone designated
19 by the board under this section.

20 (3) The owner of a motorboat shall display a towed watersports motorboat certificate
21 decal if the motorboat is engaged in towed watersports within the Newberg Pool Congested
22 Zone or in a congested zone designated by the board under this section.

23 (4) The State Marine Board may adopt rules designating portions of waters of this state
24 as congested zones.

25 (5) The person shall present proof of a towed watersports endorsement and towed
26 watersports motorboat certificate upon request by a peace officer.

27 **SECTION 6.** ORS 830.110 is amended to read:

28 830.110. In addition to the powers and duties otherwise provided in this chapter, the State Ma-
29 rine Board shall have the power and duty to:

30 (1) Make all rules necessary to carry out the provisions of this chapter. The rules shall be made
31 in accordance with ORS chapter 183.

32 (2) Devise a system of identifying numbers for boats, floating homes and boathouses. If an
33 agency of the federal government has an overall system of identification numbering for boats within
34 the United States, the system devised by the board shall conform with the federal system.

35 (3) Cooperate with state and federal agencies to promote uniformity of the laws relating to
36 boating and their enforcement.

37 (4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.700 to
38 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 **and**
39 **sections 2 to 5 of this 2019 Act.**

40 (5) Advise and assist county sheriffs and other peace officers in the enforcement of laws relating
41 to boating.

42 (6) Study, plan and recommend the development of boating facilities throughout the state which
43 will promote the safety and pleasure of the public through boating.

44 (7) Publicize the advantage of safe boating.

45 (8) Accept gifts and grants of property and money to be used to further the purposes of this

1 chapter.

2 (9) Exempt from any provisions of this chapter any class of boats if it determines that the safety
 3 of persons and property will not be materially promoted by the applicability of those provisions to
 4 the class of boats. The board may not exempt from numbering any class of boats unless:

5 (a) The board determines that the numbering will not materially aid in their identification; and

6 (b) The secretary of the department of the federal government under which the United States
 7 Coast Guard is operating has exempted from numbering the same boats or classes of boats.

8 (10) Appoint and require the bonding of agents to issue a temporary permit to operate a boat.
 9 In addition to the prescribed fees, the agents may charge the following for their services in issuing
 10 the temporary permit:

11 (a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;

12 (b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and

13 (c) Beginning in 2014, and every three years thereafter, the board shall issue an order revising
 14 the fee specified in paragraph (b) of this subsection on January 1, based on changes in the
 15 Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published
 16 by the Bureau of Labor Statistics of the United States Department of Labor. The board shall round
 17 the amount of the fee to the nearest half-dollar. The revised fee takes effect on January 1 and ap-
 18 plies for the following three years.

19 (11) Publish and distribute to the interested public the boating laws of this state and resumes
 20 or explanations of those laws.

21 (12) Publish and distribute forms for any application required under this chapter and require the
 22 use of such forms.

23 (13) Make rules for the uniform navigational marking of the waters of this state. Such rules shall
 24 not conflict with markings prescribed by the United States Coast Guard. No political subdivision
 25 or person shall mark the waters of this state in any manner in conflict with the markings prescribed
 26 by the board.

27 (14) Make rules regarding marine toilets and their use consistent with the prevention and con-
 28 trol of pollution of the waters of this state and not in conflict with the rules of the Oregon Health
 29 Authority or the Environmental Quality Commission.

30 (15) Institute proceedings to enjoin unlawful obstructions injuring free navigation on the waters
 31 of this state.

32 (16) Make rules regulating water ski course markers, ski jumps and other special use devices
 33 placed in the waters of this state. Such rules may regulate the installation and use of the devices
 34 and may require a permit.

35 (17) Adopt rules necessary to carry out and enforce the provisions of ORS 830.950 and 830.955.
 36 The rules shall include but need not be limited to:

37 (a) The kinds of protective covering or physical barriers that are acceptable to be used between
 38 a submersible polystyrene device and the water.

39 (b) Guidelines for the use of submersible polystyrene devices for the repair or maintenance of
 40 existing docks or floats.

41 (18) Adopt rules providing for establishment of a Safe Boating Education Course to be made
 42 available to courts and law enforcement agencies within this state for use as a sentencing option
 43 for those individuals convicted of boating offenses. The board shall specify the content of the Safe
 44 Boating Education Course and shall prescribe procedures for making the course available to local
 45 courts and law enforcement agencies, including procedures for promptly notifying such courts

1 whether individuals required to enroll in the course have taken and successfully passed the course.
 2 Such rules may provide for administration of the course through nonprofit organizations, such as the
 3 United States Coast Guard Auxiliary, United States Power Squadrons or similar groups.

4 (19) For purposes of ORS 830.175, 830.180, 830.185, 830.187 and 830.195, in cooperation with the
 5 State Aviation Board, regulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

6 **SECTION 7.** ORS 830.990 is amended to read:

7 830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a
 8 Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565
 9 by a person operating a manually propelled boat is \$30.

10 (b) Violation of ORS 830.565 by a person operating a motorboat is a Class D violation.
 11 Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person op-
 12 erating a motorboat is \$50.

13 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,
 14 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the pur-
 15 poses of those statutes, commits a Class D violation.

16 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
 17 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
 18 Class C violation.

19 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
 20 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350,
 21 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or
 22 830.830 **or section 5 of this 2019 Act**, or rules adopted to carry out the purposes of those statutes,
 23 commits a Class B violation.

24 (5) A person who violates ORS 830.305, [*or*] 830.390 **or 830.944**, or rules adopted to carry out the
 25 purposes of those statutes, commits a Class A violation.

26 **(6)(a) Notwithstanding subsection (4) of this section, a person who violates section 5 of**
 27 **this 2019 Act and has one or more prior convictions for violation of section 5 of this 2019**
 28 **Act within a three-year period preceding the date of the person’s current conviction, com-**
 29 **mits a Class A violation.**

30 **(b) In addition to the penalty imposed under this subsection, the court shall:**

31 **(A) Order the person not to operate a boat for a period of one year; and**

32 **(B) Order the person to complete a boating safety course approved by the State Marine**
 33 **Board.**

34 [(6)] (7) A person who violates ORS 830.383 commits a Class B misdemeanor.

35 [(7)] (8) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730
 36 or 830.955 (1) commits a Class A misdemeanor.

37 [(8)] (9) A person who violates ORS 830.475 (2) commits a Class C felony.

38 [(9) *A person who violates ORS 830.944 commits a Class A violation.*]

39 **SECTION 8. (1) As used in this section, “Newberg Pool Congested Zone” means the por-**
 40 **tion of the Willamette River beginning at river mile 30 and ending at river mile 50.**

41 **(2) Subject to subsection (3) of this section, the court shall, in addition to the penalties**
 42 **imposed under ORS 830.990 for the offenses listed in subsection (3) of this section:**

43 **(a) Order the person not to operate a boat for a period of one year after the date of**
 44 **conviction; and**

45 **(b) Order the person to complete a boating safety course approved by the State Marine**

1 **Board.**

2 (3) Subsection (2) of this section applies when:

3 (a) The peace officer who issued the citation notes on the citation that the offense oc-
4 curred within the Newberg Pool Congested Zone or a congested zone designated by the State
5 Marine Board; and

6 (b) The person has at least one prior conviction for violating any of the following statutes
7 within a three-year period preceding the date of the person's current conviction and the
8 prior offense also occurred within the Newberg Pool Congested Zone or a congested zone
9 designated by the board:

10 (A) ORS 830.305.

11 (B) ORS 830.315.

12 (C) ORS 830.335.

13 (D) ORS 830.340.

14 (E) ORS 830.345.

15 (F) ORS 830.355.

16 (G) ORS 830.360.

17 (H) ORS 830.362.

18 (I) ORS 830.365.

19 **SECTION 9.** (1) Upon conviction for an offense listed in section 8 of this 2019 Act, a court
20 shall issue a notice of suspension to the State Marine Board.

21 (2) After receiving the notice of suspension, the board shall suspend for a period of one
22 year from the date of conviction the person's:

23 (a) Towed watersports endorsement; and

24 (b) Towed watersports motorboat certificate.

25