

**A-Engrossed
Senate Bill 47**

Ordered by the Senate March 29
Including Senate Amendments dated March 29

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Marine Board)

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.

Requires person operating nonmotorized boat to have waterway access permit. Eliminates requirement that person operating nonmotorized boat have aquatic invasive species permit. Directs uses of waterway access permit fees.

Directs State Marine Board to collaborate with certain groups for purpose of educating nonmotorized boat users about requirement to obtain waterway access permit.

Directs board to report to interim committees of Legislative Assembly related to natural resources.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to small watercraft; creating new provisions; amending ORS 830.110, 830.565, 830.570,
3 830.575 and 830.990; and prescribing an effective date.

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

5 **SECTION 1. Sections 2 to 7 of this 2019 Act are added to and made a part of ORS chapter**
6 **830.**

7 **SECTION 2. Waterway Access Fund. (1) The Waterway Access Fund is established in the**
8 **State Treasury, separate and distinct from the General Fund. Interest earned by the**
9 **Waterway Access Fund shall be credited to the fund. Moneys in the fund are continuously**
10 **appropriated to the State Marine Board to carry out the provisions of sections 2 to 7 of this**
11 **2019 Act.**

12 **(2)(a) The fund consists of:**

13 **(A) Moneys deposited into the fund under section 6 of this 2019 Act.**

14 **(B) Moneys received under paragraph (b) of this subsection.**

15 **(C) Any other moneys appropriated to the fund by the Legislative Assembly.**

16 **(b) The board may receive gifts, grants or contributions from any source, whether public**
17 **or private. Moneys received under this paragraph shall be deposited into the fund.**

18 **(3) The board may use the moneys in the fund:**

19 **(a) To award grants as provided in sections 3 and 4 of this 2019 Act.**

20 **(b) For any other purpose described in sections 2 to 7 of this 2019 Act.**

21 **SECTION 3. Grants for nonmotorized boat waterway access. (1) As used in this section,**
22 **“public body” has the meaning given that term in ORS 174.109.**

23 **(2) The State Marine Board may award grants under this section to public bodies, feder-**

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 ally recognized Indian tribes in Oregon and federal agencies for the purposes of assisting
2 with:

3 (a) The purchase of real property, leases or easements in order to provide access to
4 public waterways.

5 (b) The construction, renovation, expansion or development of public boating facilities,
6 including but not limited to public access to waterways and public sanitation facilities.

7 (c) The construction, renovation, expansion or development of public play parks for
8 nonmotorized boat use, such as whitewater parks and competition courses.

9 (3) For the purpose of awarding grants under this section, the board shall develop a pri-
10 ority list, giving highest priority to:

11 (a) Projects that serve nonmotorized boat users; and

12 (b) Public boating facilities that are determined by the board to have the greatest need
13 for construction, renovation, expansion or development.

14 (4) The board shall adopt rules for implementing the grant program described in this
15 section.

16 **SECTION 4. Grants for boating safety education and waterway access to underserved**
17 **communities.** (1) As used in this section:

18 (a) "Nonprofit organization" means an organization described in section 501(c)(3) or (4)
19 of the Internal Revenue Code that is exempt from income tax under section 501(a) of the
20 Internal Revenue Code.

21 (b) "Public body" has the meaning given that term in ORS 174.109.

22 (2) The State Marine Board may award, from moneys in the Waterway Access Fund es-
23 tablished under section 2 of this 2019 Act and the Boating Safety, Law Enforcement and
24 Facility Account established under ORS 830.140, grants to public bodies, federally recognized
25 Indian tribes in Oregon, private entities and nonprofit organizations, for the purposes of:

26 (a) Improving boating safety education; and

27 (b) Providing waterway access to underserved communities, as described by the board
28 by rule.

29 (3) Grants may be awarded under this section to assist in paying for costs incurred to:

30 (a) Provide boating safety education;

31 (b) Purchase boating equipment; or

32 (c) Provide waterway access to underserved communities.

33 (4) The board shall adopt rules to implement the grant program described in this section.

34 **SECTION 5. Waterway access permit.** (1) Except as provided in subsections (3) and (4)
35 of this section, a person 14 years of age or older shall carry a waterway access permit while
36 operating a nonmotorized boat that is at least 10 feet in length or a sailboat that is at least
37 10 feet but less than 12 feet in length, in the manner provided by the State Marine Board by
38 rule. The person shall present proof of a permit upon request by a peace officer.

39 (2) A waterway access permit under this section is transferrable to any nonmotorized
40 boat that is at least 10 feet in length or a sailboat that is at least 10 feet but less than 12 feet
41 in length.

42 (3) Subsection (1) of this section does not apply to:

43 (a) Days that the board designates, by rule, as free boating days and on which the board
44 allows individuals to operate a boat described in subsection (1) of this section without holding
45 an otherwise required waterway access permit.

1 (b) A person operating a boat owned by an operator of a boat livery if the operator of a
2 boat livery displays proof of holding a waterway access permit according to rules adopted by
3 the board.

4 (c) A person operating a boat on a federally designated wild and scenic river for which
5 a separate fee system is in place.

6 (d) A person operating a boat if the person is engaged in law enforcement, public safety
7 or official business of a federal, state or municipal agency, as defined by the board by rule.

8 (e) A resident of a bordering state who launches a boat from that bordering state into
9 bordering waters, as defined by the board by rule.

10 (f) A person operating a boat if the person holds a nonmotorized boating permit, a reg-
11 istration or a similar authorization that is issued by another state and accepted by the board
12 by rule.

13 (g) A person who is a member of a federally recognized Indian tribe in this state and who
14 is engaged in tribal fishing or a tribal ceremony.

15 (4) The board may adopt rules that provide additional exemptions from the requirement
16 to obtain a permit under subsection (1) of this section.

17 **SECTION 6. Waterway access permit; fees.** (1) Notwithstanding ORS 830.790 (3), fees for
18 issuance of a waterway access permit are as follows:

19 (a) \$5 for a one-week permit.

20 (b) \$17 for an annual permit.

21 (c) \$30 for a biennial permit.

22 (d) The annual fee for an operator of a boat livery that offers nonmotorized boats at least
23 10 feet in length or sailboats at least 10 feet but less than 12 feet in length is:

24 (A) \$90 for an operator who owns 6 to 10 nonmotorized boats or sailboats.

25 (B) \$165 for an operator who owns 11 to 20 nonmotorized boats or sailboats.

26 (C) \$300 for an operator who owns 21 or more nonmotorized boats or sailboats.

27 (2) The State Marine Board shall deposit fees received under this section into the
28 Waterway Access Fund established under section 2 of this 2019 Act as follows:

29 (a) \$4 for every one-week permit fee paid.

30 (b) \$12 for every annual permit fee paid.

31 (c) \$20 for every biennial permit fee paid.

32 (d) \$60 for every permit fee paid by an operator of a boat livery who owns 6 to 10 non-
33 motorized boats or sailboats.

34 (e) \$110 for every permit fee paid by an operator of a boat livery who owns 11 to 20
35 nonmotorized boats or sailboats.

36 (f) \$200 for every permit fee paid by an operator of a boat livery who owns 21 or more
37 nonmotorized boats or sailboats.

38 (3) The board shall deposit fees received under this section into the Aquatic Invasive
39 Species Prevention Fund established under ORS 830.585 as follows:

40 (a) \$1 for every one-week permit fee paid.

41 (b) \$5 for every annual permit fee paid.

42 (c) \$10 for every biennial permit fee paid.

43 (d) \$30 for every permit fee paid by an operator of a boat livery who owns 6 to 10 non-
44 motorized boats or sailboats.

45 (e) \$55 for every permit fee paid by an operator of a boat livery who owns 11 to 20 non-

1 **motorized boats or sailboats.**

2 (f) **\$100 for every permit fee paid by an operator of a boat livery who owns 21 or more**
3 **nonmotorized boats or sailboats.**

4 **SECTION 7. Waterway access permit; issuance; agents. (1) The State Marine Board shall**
5 **issue a waterway access permit to a person who pays the fee for the permit described in**
6 **section 6 of this 2019 Act.**

7 (2) **The board may appoint agents to issue waterway access permits.**

8 (3) **Agents shall issue waterway access permits in accordance with procedures prescribed**
9 **by the board by rule and shall charge and collect the waterway access permit fees described**
10 **in section 6 of this 2019 Act.**

11 (4) **The board may authorize an agent who is not a board employee to charge a service**
12 **fee of \$2, in addition to the waterway access permit fee, for the issuance service performed**
13 **by the agent.**

14 (5) **The board may supply the agents with waterway access permits, if applicable.**

15 **SECTION 8. The State Marine Board shall collaborate with relevant recreation user**
16 **groups and organizations and law enforcement agencies that enforce boating regulations for**
17 **the purpose of educating nonmotorized boat users about the requirement to obtain a**
18 **waterway access permit under section 5 of this 2019 Act.**

19 **SECTION 9. Section 8 of this 2019 Act is repealed on January 2, 2022.**

20 **SECTION 10. ORS 830.110 is amended to read:**

21 830.110. In addition to the powers and duties otherwise provided in this chapter, the State Ma-
22 rine Board shall have the power and duty to:

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

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

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

30 (4) **Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.700 to**
31 **830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870** **and**
32 **section 7 of this 2019 Act.**

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

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

37 (7) **Publicize the advantage of safe boating.**

38 (8) **Accept gifts and grants of property and money to be used to further the purposes of this**
39 **chapter.**

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

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

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

1 (10) Appoint and require the bonding of agents to issue a temporary permit to operate a boat.
2 In addition to the prescribed fees, the agents may charge *[the following]* **a fee prescribed by the**
3 **board** for their services in issuing the temporary permit[.].

4 *[(a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;]*

5 *[(b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and]*

6 *[(c) Beginning in 2014, and]* Every three years *[thereafter,]* the board shall issue an order revising
7 the fee **imposed under** *[specified in paragraph (b) of]* this subsection on January 1, based on changes
8 in the *[Portland-Salem, OR-WA,]* **U.S. City Average** Consumer Price Index for All Urban Consumers
9 for All Items, as published by the Bureau of Labor Statistics of the United States Department of
10 Labor. The board shall round the amount of the fee to the nearest half-dollar. The revised fee takes
11 effect on January 1 and applies for the following three years.

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

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

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

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

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

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

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

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

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

34 (18) Adopt rules providing for establishment of a Safe Boating Education Course to be made
35 available to courts and law enforcement agencies within this state for use as a sentencing option
36 for those individuals convicted of boating offenses. The board shall specify the content of the Safe
37 Boating Education Course and shall prescribe procedures for making the course available to local
38 courts and law enforcement agencies, including procedures for promptly notifying such courts
39 whether individuals required to enroll in the course have taken and successfully passed the course.
40 Such rules may provide for administration of the course through nonprofit organizations, such as the
41 United States Coast Guard Auxiliary, United States Power Squadrons or similar groups.

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

44 **SECTION 11.** ORS 830.990 is amended to read:

45 830.990. (1)*[(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a*

1 *Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565*
2 *by a person operating a manually propelled boat is \$30.]*

3 [(b)] Violation of ORS 830.565 by a person operating a **sailboat that is at least 12 feet in**
4 **length or** a motorboat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine
5 for a violation of ORS 830.565 by a person operating a motorboat is \$50.

6 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,
7 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855 **or section 5 of this 2019 Act**, or rules
8 adopted to carry out the purposes of those statutes, commits a Class D violation.

9 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
10 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
11 Class C violation.

12 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
13 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350,
14 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or
15 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

16 (5) A person who violates ORS 830.305 or 830.390, or rules adopted to carry out the purposes
17 of those statutes, commits a Class A violation.

18 (6) A person who violates ORS 830.383 commits a Class B misdemeanor.

19 (7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or
20 830.955 (1) commits a Class A misdemeanor.

21 (8) A person who violates ORS 830.475 (2) commits a Class C felony.

22 (9) A person who violates ORS 830.944 commits a Class A violation.

23 **SECTION 12.** ORS 830.565 is amended to read:

24 830.565. [(1)] A person may not operate [*a manually propelled boat that is 10 feet or more in*
25 *length or*] **a sailboat that is at least 12 feet in length or** a motorboat on the waters of this state
26 without first obtaining an aquatic invasive species prevention permit from the State Marine Board
27 under ORS 830.570.

28 [(2) *A person who obtains an aquatic invasive species prevention permit for a manually propelled*
29 *boat may use the permit on any manually propelled boat the person operates on the waters of this*
30 *state.*]

31 **SECTION 13.** ORS 830.570 is amended to read:

32 830.570. (1) The State Marine Board shall issue and renew an aquatic invasive species pre-
33 vention permit to a person who pays the fee for the permit described in ORS 830.575.

34 (2) The board may appoint agents to issue aquatic invasive species prevention permits.

35 (3) Agents shall issue permits in accordance with procedures prescribed by the board by rule
36 and shall charge and collect the aquatic invasive species prevention permit fees prescribed by law.

37 (4) The board may authorize an agent other than a board employee to charge a service fee of
38 \$2, in addition to the permit fee, for the issuance service performed by the agent.

39 (5) The board [*shall*] **may** supply the agents with [*motorboat and manually propelled boat*]
40 aquatic invasive species prevention permits.

41 **SECTION 14.** ORS 830.575 is amended to read:

42 830.575. Notwithstanding ORS 830.790 (3), fees for issuance and renewal of an aquatic invasive
43 species prevention permit are as follows:

44 (1) The biennial fee for **a sailboat that is at least 12 feet in length or** a motorboat issued a
45 certificate of number under ORS 830.795 is \$5.

1 *[(2) The annual fee for a manually propelled boat 10 feet or more in length is \$5.]*

2 *[(3)]* **(2) The annual fee for a sailboat that is at least 12 feet in length or a motorboat oper-**
3 **ated by a nonresident is \$20.**

4 *[(4) The annual fee for an operator of a boat livery is:]*

5 *[(a) \$30 for an operator who owns 6 to 10 manually propelled boats;]*

6 *[(b) \$55 for an operator who owns 11 to 20 manually propelled boats; or]*

7 *[(c) \$100 for an operator who owns 21 or more manually propelled boats.]*

8 **SECTION 15. The amendments to ORS 830.110 by section 10 of this 2019 Act apply to fees**
9 **imposed on and after January 1, 2020.**

10 **SECTION 16. (1) The State Marine Board shall submit two reports to the interim com-**
11 **mittees of the Legislative Assembly related to natural resources, in the manner provided in**
12 **ORS 192.245, on the implementation of sections 2 to 7 of this 2019 Act and the amendments**
13 **to ORS 830.110, 830.565, 830.570, 830.575 and 830.990 by sections 10 to 14 of this 2019 Act. Each**
14 **report must include the following:**

15 **(a) An overview of the rules adopted by the board;**

16 **(b) A description of the board's educational outreach efforts;**

17 **(c) Information about the number of waterway access permits issued;**

18 **(d) Information about the number of citations and warnings issued for violation of sec-**
19 **tion 5 of this 2019 Act; and**

20 **(e) A description of the revenue and expenses related to the issuance of waterway access**
21 **permits.**

22 **(2) The first report must be submitted no later than September 15, 2020.**

23 **(3) The second report must be submitted no later than September 15, 2021.**

24 **SECTION 17. Section 16 of this 2019 Act is repealed on January 2, 2022.**

25 **SECTION 18. (1) Sections 2 to 9 of this 2019 Act and the amendments to ORS 830.110,**
26 **830.565, 830.570 and 830.575 by sections 10 and 12 to 14 of this 2019 Act become operative on**
27 **January 1, 2020.**

28 **(2) The amendments to ORS 830.990 by section 11 of this 2019 Act become operative on**
29 **August 1, 2020.**

30 **(3) The State Marine Board may take any action before the operative date specified in**
31 **subsection (1) of this section that is necessary to enable the board to exercise, on and after**
32 **the operative date specified in subsection (1) of this section, all the duties, functions and**
33 **powers conferred on the board by sections 2 to 9 of this 2019 Act and the amendments to**
34 **ORS 830.110, 830.565, 830.570 and 830.575 by sections 10 and 12 to 14 of this 2019 Act.**

35 **SECTION 19. The section captions used in this 2019 Act are provided only for the con-**
36 **venience of the reader and do not become part of the statutory law of this state or express**
37 **any legislative intent in the enactment of this 2019 Act.**

38 **SECTION 20. This 2019 Act takes effect on the 91st day after the date on which the 2019**
39 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

40