

House Bill 3006

Sponsored by Representative REYNOLDS; Representatives HIEB, RUIZ, Senators CAMPOS, PATTERSON, STEINER (Presession 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**.

Prohibits operating boat carrying child under 16 years of age unless child is wearing properly sized and secured personal flotation device. Punishes by maximum fine of \$250.

Prohibits child under 16 years of age from using floating item outside of swimming area on waters of this state unless child is wearing properly sized and secured personal flotation device. Punishes by fine of \$25.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to water safety; creating new provisions; amending ORS 830.215 and 830.990; and prescribing
3 ing an effective date.

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

5 **SECTION 1.** ORS 830.215 is amended to read:

6 830.215. (1) All boats must carry at least one United States Coast Guard approved personal
7 flotation device in good and serviceable condition for each person on board. Each device must be
8 of an appropriate size for the person for whom it is intended and must be readily accessible when-
9 ever the boat is in use. As used in this subsection, a personal flotation device is not "readily ac-
10 cessible" if it is stowed in a locked compartment or locker or is otherwise not immediately,
11 physically available to persons on board the boat in case of an emergency.

12 *[(2) The State Marine Board by rule shall classify types of personal flotation devices and specify*
13 *which types are approved for various classes of vessels. The rules must be consistent with, but may*
14 *not exceed those regulations promulgated by the United States Coast Guard.]*

15 *[(3) Notwithstanding the classification by the State Marine Board of the types of personal flotation*
16 *devices approved for various classes of vessels pursuant to subsection (2) of this section, a person op-*
17 *erating a boat on any section of waters rated class III or higher on a commonly accepted scale of river*
18 *difficulty, and all passengers in the boat, shall wear a properly secured personal flotation device. The*
19 *personal flotation device must be of a type prescribed by rules adopted by the State Marine Board.]*

20 **(2) The State Marine Board by rule shall:**

21 **(a) Classify types of personal flotation devices required under this section;**

22 **(b) Specify which types of personal flotation devices are approved for various classes of**
23 **vessels; and**

24 **(c) Specify which types of personal flotation devices are approved for children under 16**
25 **years of age.**

26 **(3) A person shall wear a properly sized and secured personal flotation device when the**
27 **person is operating or riding in or on a boat on any section of waters of this state rated class**
28 **III or higher on a commonly accepted scale of river difficulty.**

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 (4) A person may not operate a boat on the waters of this state while a child under 16
 2 years of age is on board, unless the child is wearing a properly sized and secured personal
 3 flotation device.

4 (5) The board may by rule provide exceptions to the requirements to wear a personal
 5 flotation device under this section.

6 (6) The rules adopted under this section must be consistent with, but may not exceed,
 7 those regulations promulgated by the United States Coast Guard.

8 **SECTION 2.** Sections 3 and 4 and of this 2023 Act are added to and made a part of ORS
 9 chapter 830.

10 **SECTION 3.** (1) As used in this section, “floating item” includes but is not limited to
 11 beach and water toys, inner tubes and buoyant foam, except that “floating item” does not
 12 include a swim buoy.

13 (2) A child under 16 years of age may not use any floating item outside of a swimming
 14 area that is clearly marked by buoys or some other distinguishing device as a swimming area
 15 on the waters of this state unless the child is wearing a properly sized and secured personal
 16 flotation device, in accordance with rules adopted by the State Marine Board under ORS
 17 830.215 (2)(c).

18 (3) A parent, legal guardian or person with legal responsibility for the safety and welfare
 19 of a child under 16 years of age shall ensure that a child who uses any floating item outside
 20 of a swimming area that is clearly marked by buoys or some other distinguishing device as
 21 a swimming area on the waters of this state is wearing a properly sized and secured personal
 22 flotation device, in accordance with rules adopted by the State Marine Board under ORS
 23 830.215 (2)(c).

24 **SECTION 4.** (1) If a child in violation of section 3 (2) of this 2023 Act is 11 years of age
 25 or younger, any citation issued shall be issued to the parent, legal guardian or person with
 26 legal responsibility for the safety and welfare of the child for violation of section 3 (3) of this
 27 2023 Act, rather than to the child for violation of section 3 (2) of this 2023 Act.

28 (2) If a child in violation of section 3 (2) of this 2023 Act is at least 12 years of age and
 29 is under 16 years of age, a citation may be issued to the child for violation of section 3 (2)
 30 of this 2023 Act or to the parent, legal guardian or person with legal responsibility for the
 31 safety and welfare of the child for violation of section 3 (3) of this 2023 Act, but not to both.

32 (3) The first time a person is convicted of an offense described in section 3 (2) or (3) of
 33 this 2023 Act, the person may not be required to pay a fine if the person proves to the sat-
 34 isfaction of the court that the person has a properly sized personal flotation device, in ac-
 35 cordance with rules adopted by the State Marine Board under ORS 830.215 (2)(c).

36 **SECTION 5.** ORS 830.990 is amended to read:

37 830.990. (1)(a) Violation of section 3 of this 2023 Act is a specific fine violation. The
 38 presumptive fine for violating section 3 of this 2023 Act is \$25.

39 (b) Violation of ORS 830.302 by a person operating a motorboat or violation of ORS 830.565 by
 40 a person operating a sailboat that is at least 12 feet in length or a motorboat is a Class D violation.
 41 Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.302 or 830.565 by a
 42 person operating a motorboat is \$50.

43 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.215, 830.230,
 44 830.415, 830.624, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to
 45 carry out the purposes of those statutes, commits a Class D violation.

1 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
2 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
3 Class C violation.

4 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
5 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350, 830.355,
6 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.425, 830.495, 830.560, 830.649, 830.775, 830.795
7 or 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

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

10 (6)(a) Notwithstanding subsection (4) of this section, a person who violates ORS 830.649 and has
11 one or more prior convictions for violation of ORS 830.649 within a three-year period preceding the
12 date of the person's current conviction, commits a Class A violation.

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

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

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

16 (7) A person who violates ORS 830.591 commits a Class C misdemeanor.

17 (8) A person who violates ORS 830.383 commits a Class B misdemeanor.

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

20 (10) A person who violates ORS 830.475 (2) commits a Class C felony.

21 **SECTION 6. Sections 3 and 4 of this 2023 Act and the amendments to ORS 830.215 and**
22 **830.990 by sections 1 and 5 of this 2023 Act apply to offenses occurring on or after the ef-**
23 **fective date of this 2023 Act.**

24 **SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023**
25 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**