

Senate Bill 1071

Sponsored by Senators MEEK, SMITH DB, Representatives RUIZ, ELMER; Senators BONHAM, BOQUIST, JAMA, WEBER, WOODS, Representatives BYNUM, EVANS, GOODWIN, HIEB

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**.

Provides that maximum loading weight of motorboat means factory-specified dry gross weight of motorboat.

Increases maximum loading weight of boat person may own to obtain towed watersports endorsement.

Modifies definition of "Newberg Pool Congested Zone."

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to boats; amending ORS 830.640, 830.643, 830.649 and 830.652; and declaring an emergency.

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

4 **SECTION 1.** ORS 830.643, as amended by section 1, chapter 119, Oregon Laws 2022, is amended
5 to read:

6 830.643. (1) A person may obtain a towed watersports endorsement if:

7 (a)(A) The person is a resident of this state and the person holds a boating safety education card
8 issued under ORS 830.086; or

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

11 (b) The person passes the towed watersports endorsement examination, or the equivalency ex-
12 amination, as described in ORS 830.640;

13 (c) The person pays the fee established by the State Marine Board under ORS 830.646; and

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

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

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

18 (b) The maximum loading weight of the motorboat is less than [5,500] **7,500** pounds, which is [*the*
19 *sum of*] the factory-specified dry gross weight of the motorboat [*and the factory-specified maximum*
20 *factory ballast capacity of the motorboat*];

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

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

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

28 (4) A person issued a towed watersports endorsement or towed watersports motorboat certificate

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 under this section may renew the endorsement or certificate by:

2 (a) Paying the towed watersports endorsement renewal fee established under ORS 830.646; and

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

4 (5) The board shall issue a towed watersports motorboat certificate in the form of a decal. The
5 decal must be affixed to the forward portion of the motorboat, visible above the waterline and in
6 accordance with rules adopted by the board.

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

9 (7) Agents shall issue towed watersports endorsements and towed watersports motorboat certif-
10 icates in accordance with procedures prescribed by the board by rule and shall charge and collect
11 the endorsement fees prescribed by law.

12 (8) The board may authorize an agent other than a board employee to charge a service fee of
13 \$2, in addition to the towed watersports endorsement fee, for the issuance service performed by the
14 agent.

15 (9) The board shall supply the agents with towed watersports endorsements and towed
16 watersports motorboat certificates, if applicable.

17 **SECTION 2.** ORS 830.640 is amended to read:

18 830.640. (1) There is created within the State Marine Board a towed watersports program.

19 (2) The program shall:

20 (a) Provide towed watersports safety education;

21 (b) Issue and renew towed watersports endorsements;

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

23 (d) Develop and promote towed watersports safety promotions, best practices and public educa-
24 tion;

25 (e) Address wave energy management techniques and operator responsibilities for accident and
26 property damage prevention; and

27 (f) Compile information regarding the make, model, length[,] **and** dry gross weight [*and maximum*
28 *factory ballast capacity specifications*] of motor boats for which the towed watersports motorboat
29 decal was issued.

30 (3) In establishing towed watersports safety education as part of the towed watersports
31 endorsement, the board shall:

32 (a) Set a minimum standard of competency. The board may review and update the minimum
33 standard of competency as necessary.

34 (b) Create a towed watersports endorsement course and towed watersports endorsement exam-
35 ination designed to educate and test for the minimum standard of competency under paragraph (a)
36 of this subsection.

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

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

41 (e) Establish a fee under ORS 830.646 for the issuance and renewal of towed watersports
42 endorsements.

43 **SECTION 3.** ORS 830.649, as amended by section 2, chapter 119, Oregon Laws 2022, is amended
44 to read:

45 830.649. (1) As used in this section:

1 (a) “Newberg Pool Congested Zone” means the portion of the Willamette River beginning at
 2 [*Willamette Falls,*] river mile [26.6] **30**, and ending at the mouth of the Yamhill River, river mile 55.

3 (b) “Towed watersports” has the meaning given that term by the State Marine Board by rule,
 4 but does not include wake surfing.

5 (c) “Wake surfing” means the activity of propelling an individual forward on equipment similar
 6 to a surfboard, using a boat’s wake. The person may be holding a rope or free riding. Equipment
 7 used in this activity may include but is not limited to wake surf boards, wake boards, stand up
 8 paddleboards and hydrofoils.

9 (2) Subject to subsection (5) of this section, a person shall carry a towed watersports endorse-
 10 ment if the person is:

11 (a) Engaged in towed watersports; and

12 (b) On waters within the Newberg Pool Congested Zone.

13 (3) The owner of a motorboat shall display a towed watersports motorboat certificate decal if
 14 the motorboat is engaged in towed watersports within the Newberg Pool Congested Zone.

15 (4) The person shall present proof of a towed watersports endorsement and towed watersports
 16 motorboat certificate upon request by a peace officer.

17 (5) Within the Newberg Pool Congested Zone, a person may not:

18 (a) Use devices or individuals to increase wakes; and

19 (b) Engage in wake surfing.

20 **SECTION 4.** ORS 830.652, as amended by section 3, chapter 119, Oregon Laws 2022, is amended
 21 to read:

22 830.652. (1) As used in this section, “Newberg Pool Congested Zone” means the portion of the
 23 Willamette River beginning at [*Willamette Falls,*] river mile [26.6] **30** and ending at the mouth of the
 24 Yamhill River, river mile 55.

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

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

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

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

31 (a) The peace officer who issued the citation notes on the citation that the offense occurred
 32 within the Newberg Pool Congested Zone; and

33 (b) The person has at least one prior conviction for violating any of the following statutes within
 34 a three-year period preceding the date of the person’s current conviction and the prior offense also
 35 occurred within the Newberg Pool Congested Zone:

36 (A) ORS 830.305.

37 (B) ORS 830.315.

38 (C) ORS 830.335.

39 (D) ORS 830.340.

40 (E) ORS 830.345.

41 (F) ORS 830.355.

42 (G) ORS 830.360.

43 (H) ORS 830.362.

44 (I) ORS 830.365.

45 **SECTION 5.** This 2023 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
2 **on its passage.**

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