

## **SB 1590 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Natural Resources and Wildfire**

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**Meeting Dates:** 2/13, 2/15

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#### **WHAT THE MEASURE DOES:**

The measure repeals the towed watersports program from state law. It specifies that the repeal, including the repeal of penalty provisions, applies to offenses occurring on or after the effective date of the Act, and that all proceedings, fines, penalties, liabilities, duties, and obligations related to conduct preceding the effective date of the Act are unaffected and remain in force. The measure also requires that the state minimum standard of boating safety education include instruction relating to towed watersports safety education. The measure takes effect on the 91st day following adjournment sine die.

*FISCAL: May have fiscal impact, but no statement yet issued*

*REVENUE: May have revenue impact, but no statement yet issued*

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 The amendment replaces the measure. It increases the maximum loading weight of a motorboat from 5,500 to 10,000 pounds for the purposes of the towed watersports program. It reduces the size of the Newberg Pool Congested Zone from river mile 26.6 to 55 to river mile 30 to 50. The amendment also reverses the prohibition on wake surfing and use of devices to increase wakes in the Newberg Pool Congested Zone so that those activities and uses are allowed. It removes the statutory definition of wake surfing, and it authorizes the Oregon State Marine Board (OSMB) to define wake surfing and wakeboarding. It also repeals the OSMB authorization to study maximum loading weight. The amendment takes effect on the 91st day following adjournment sine die.

*FISCAL: May have fiscal impact, but no statement yet issued*

*REVENUE: May have revenue impact, but no statement yet issued*

##### **BACKGROUND:**

In 1993, the Legislative Assembly enacted a law to regulate water skiing, surfboarding, and similar activities (ORS 830.365). The law restricts individuals from operating boats and tow ropes as well as riding water skis, surfboards, and the like, in a reckless or negligent manner. It also requires a second person in the boat to observe the person being towed in most circumstances, restricts these activities before sunrise or after sunset, prohibits a person from participating while under the influence of an intoxicant or controlled substance, and requires warning flags aboard.

In 1999, the Legislative Assembly directed the Oregon State Marine Board (OSMB) to establish a mandatory boating safety education program (ORS 830.082 - 830.096). OSMB set a minimum standard of boating safety education competency, created a boating safety course and exam to test for the minimum safety standard, and began to issue boating safety education cards for individuals who are at least 12 years old who pass the course and exam certain equivalents. Individuals operating a motorboat must carry the card on the boat and present it to an officer upon request, though the law provides exemptions for those who have a current commercial fishing license and other limited categories. The law also restricts motorboat horsepower levels for individuals 12 to 15 years old, but permits higher horsepower engines under supervision.

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Most recently, in 2019, House Bill 2352 was enacted, which directed OSMB to create a towed watersports program (ORS 830.640 - 830.655). If motorboat owners and operators tow wakeboarders or wake surfers in a 17-mile congested stretch of the Willamette River called the Newberg Pool Congested Zone, the program requires motorboat operators to take a towed watersports safety education course and exam and to hold a towed watersports endorsement, and requires motorboat owners to hold a towed watersports certificate in the form of a decal. In 2022, the legislature amended the towed watersports law through Senate Bill 1589. One change established a motorboat maximum loading weight of 5,500 pounds, which replaced a provision in the original law that OSMB set the maximum loading weight in rule. The 2022 law also expanded the Newberg Pool Congested Zone to run from Willamette Falls to the mouth of the Yamhill River. It defines "wake surfing" as "the activity of propelling an individual forward on equipment like a surfboard, using a boat's wake wherein the person may be holding a rope or free riding," and gives examples of wake surfing equipment such as wake surf boards, wake boards, stand up paddleboards, and hydrofoils. The law specifies that "towed watersports" does not include wake surfing, and thus, a towed watersports endorsement or certificate decal is not required for wake surfing activities. However, the law also prohibits wake surfing or use of devices or individuals to increase wakes within the Newberg Pool Congested Zone.