

Enrolled House Bill 2170

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Agriculture, Land Use, Natural Resources, and Water for Representatives Ken Helm, Mark Owens)

CHAPTER

AN ACT

Relating to aquatic invasive species; creating new provisions; and amending ORS 830.585, 830.587, 830.589, 830.591, 830.998 and 830.999.

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

SECTION 1. (1) **As used in this section:**

(a) **“Local government” and “local service district” have the meanings given those terms in ORS 174.116.**

(b) **“Tribal government” means a federally recognized sovereign tribal government whose borders lie within this state.**

(2) **The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may enter into an intergovernmental agreement with a tribal government, local government or local service district for the purpose of assisting the agency with:**

(a) **Operating check stations and inspecting recreational or commercial watercraft for the presence of aquatic invasive species; and**

(b) **Decontaminating, or ordering the decontamination of, any recreational or commercial watercraft that the tribal government, local government or local service district inspects at a check station operated under authority of this section.**

(3) **Check stations operated under this section must comply with the requirements that govern check stations under ORS 830.589.**

(4) **An agreement under this section shall specify the functions or activities to be performed by a tribal government, local government or local service district. The agreement shall provide for monitoring and review of performance of services under the agreement.**

(5) **Failure to cooperate with the ordered decontamination process is subject to penalties under ORS 830.998.**

SECTION 2. ORS 830.585 is amended to read:

830.585. (1) **The Aquatic Invasive Species Prevention Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Aquatic Invasive Species Prevention Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Marine Board.**

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

(A) **Moneys deposited into the fund under ORS 830.575;**

(B) Moneys transferred to the fund from the federal government, other state agencies or local governments;

(C) Any other moneys appropriated to the fund by the Legislative Assembly; and

(D) Moneys deposited into the fund under paragraph (b) of this subsection.

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

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

(a) To pay the administrative costs of the aquatic invasive species prevention permit program;

(b) To award grants and enter into grant agreements to prevent and control aquatic invasive species; and

(c) For any other purpose of the board as described in ORS 830.565 to 830.575, 830.589 and 830.594 **and section 1 of this 2025 Act.**

SECTION 3. ORS 830.587 is amended to read:

830.587. As used in ORS 830.589, 830.591, 830.594, 830.998 and 830.999 **and section 1 of this 2025 Act:**

(1) “Aquatic invasive species” means any aquatic species of wildlife or any freshwater or marine invertebrate the State Fish and Wildlife Commission identifies as a prohibited species by rule, or any aquatic noxious weeds as specified by the State Department of Agriculture by rule.

(2) “Recreational or commercial watercraft” means any boat, any equipment used to transport a boat and any auxiliary equipment for a boat, including but not limited to attached or detached outboard motors.

SECTION 4. ORS 830.591 is amended to read:

830.591. (1) When a peace officer stops a person transporting a recreational or commercial watercraft for failing to stop at an aquatic invasive species check station as required under ORS 830.589 **or section 1 of this 2025 Act**, the peace officer may request that the person immediately drive to the nearest aquatic invasive species check station and have the watercraft inspected and, if needed, decontaminated, provided that:

(a) The peace officer has probable cause that the person violated ORS 830.589 **or section 1 of this 2025 Act** by failing to stop at an aquatic invasive species check station; and

(b) An aquatic invasive species check station is open within five miles of the location of the stop.

(2) When it is necessary for the person to reverse direction in order to proceed to the nearest aquatic invasive species check station, the peace officer may assist the driver of the vehicle so that the turning movement can be made safely.

(3) Failure to comply with a peace officer’s request to proceed to the nearest aquatic invasive species check station under subsection (1) of this section is subject to criminal penalties under ORS 830.990.

SECTION 5. ORS 830.998 is amended to read:

830.998. (1) A person who is transporting a recreational or commercial watercraft and fails to stop and submit to an inspection or complete the ordered decontamination at an aquatic invasive species check station operated by the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture **or a tribal government, local government or local service district** as provided under ORS 830.589 **or section 1 of this 2025 Act** commits a Class D violation.

(2) Notwithstanding ORS 153.042, a peace officer may issue a citation under subsection (1) of this section when the conduct alleged to constitute a violation has not taken place in the presence of the peace officer, if the peace officer has reasonable grounds to believe that the conduct constitutes a violation on the basis of information received from an employee of an agency, **tribal government, local government or local service district** authorized to operate an aquatic invasive species check station who observed the violation.

(3) **As used in this section, “tribal government” has the meaning given that term in section 1 of this 2025 Act.**

SECTION 6. ORS 830.999 is amended to read:

830.999. (1) A person is subject to a civil penalty in an amount to be determined by the State Fish and Wildlife Director of not more than \$6,250 if the person knowingly transports aquatic invasive species on or in a recreational or commercial watercraft. A second or subsequent violation of this subsection within a five-year period shall result in a civil penalty in an amount not less than \$5,000 and not more than \$15,000.

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

(a) A person who transports aquatic invasive species in ballast water, as defined in ORS 783.625.

(b) A person who complies with all instructions for the proper decontamination of the recreational or commercial watercraft given by an employee authorized under ORS 830.589 [(1)] **or section 1 of this 2025 Act** to inspect recreational or commercial watercraft.

(c) A person who transports aquatic invasive species to the State Department of Fish and Wildlife or the State Department of Agriculture, or to another destination designated by the State Fish and Wildlife Commission by rule, in a manner designated by the commission for purposes of identifying or reporting an aquatic invasive species.

(3) The civil penalties authorized in this section shall be imposed as provided in ORS 183.745. Any civil penalty recovered under this section shall be deposited in the State Wildlife Fund. The commission by rule shall adopt the formula the State Fish and Wildlife Director shall use in determining the amount of civil penalties under this section.

SECTION 7. ORS 830.589 is amended to read:

830.589. (1) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may require a person transporting a recreational or commercial watercraft to stop at a check station to inspect the watercraft for the presence of aquatic invasive species. The purpose of the administrative search authorized under this section is to prevent and limit the spread of aquatic invasive species within Oregon.

(2)(a) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may decontaminate, or order the decontamination of, any recreational or commercial watercraft that the agency inspects at a check station operated under authority of this section. If the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture orders decontamination, the person transporting the watercraft shall cooperate with the agency to complete the decontamination.

(b) Failure to cooperate with the ordered decontamination process is subject to penalties under ORS 830.998.

[(3) All check stations operated under authority of this section must be plainly marked by signs that comply with all state and federal laws and must be staffed by at least one uniformed employee of the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture trained in inspection and decontamination of recreational or commercial watercraft.]

(3) All check stations operated under authority of this section must be:

(a) Plainly marked by signs that comply with all state and federal laws; and

(b) Staffed by at least one uniformed employee, trained in inspection and decontamination of recreational or commercial watercraft, of:

(A) The State Department of Fish and Wildlife;

(B) The State Marine Board;

(C) The State Department of Agriculture; or

(D) A tribal government, local government or local service district as provided under section 1 of this 2025 Act.

(4) An agency that operates a check station under this section shall require all persons transporting recreational or commercial watercraft to stop at the check station, and the agency shall inspect every recreational or commercial watercraft that goes through the check station.

(5) Notwithstanding ORS 496.992, a person transporting a recreational or commercial watercraft who stops at a check station for inspection and who cooperates in the decontamination process is not subject to criminal sanctions for possessing or transporting aquatic invasive species.

(6) The State Department of Fish and Wildlife, the State Marine Board and the State Department of Agriculture may adopt rules to carry out the provisions of this section.

(7) **As used in this section:**

(a) **“Local government” and “local service district” have the meanings given those terms in ORS 174.116.**

(b) **“Tribal government” has the meaning given that term in section 1 of this 2025 Act.**

Passed by House March 25, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate April 30, 2025

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2025

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Tobias Read, Secretary of State