

House Bill 2558

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act redefines "charter guide." The Act ups the fee for all outfitters and guides, but the fee does not change until November. The Act becomes law 91 days after sine die. (Flesch Readability Score: 82.3).

Modifies the definition of "charter guide" for purposes of outfitter and guide laws.

Increases the registration fee for all outfitters and guides. Becomes operative November 1, 2025.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to activities regulated by the State Marine Board; creating new provisions; amending ORS
3 704.010, 704.020 and 704.900; and prescribing an effective date.

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

5 **SECTION 1.** ORS 704.010 is amended to read:

6 704.010. As used in this chapter:

7 [(1) "*Charter guide*" means an individual who:]

8 [(a) *Carries passengers for hire for outdoor recreational activities on the waters of the Pacific*
9 *Ocean over which the State of Oregon has jurisdiction;*]

10 [(b) *Carries passengers for hire for outdoor recreational activities on the waters of the Columbia*
11 *River below the Astoria-Megler Bridge downstream to the waters of the Pacific Ocean; and]*

12 [(c) *Possesses a valid United States Coast Guard operator license.*]

13 (1) "**Charter guide**" means an individual who:

14 (a) **Possesses a valid United States Coast Guard operator license; and**

15 (b) **Carries no more than six passengers for hire for outdoor recreational activities on**
16 **federally navigable waterways.**

17 (2) "Employee" means an individual who, in exchange for compensation or monetary gain, pro-
18 vides outfitting and guiding services under the direction, supervision and control of an outfitter and
19 guide or a charter guide.

20 (3) "Outdoor recreational activities" includes, but is not limited to, boating, angling, hunting,
21 jeep touring, backpacking, alpine mountain climbing, camping, trips utilizing pack animals, dog sled
22 trips, whitewater float trips, rafting trips, drift boat trips, kayak trips, inflatable canoe trips and
23 canoe trips, the duration of which may be for a few hours or for several days or weeks.

24 (4)(a) "Outfitter and guide" means any person:

25 (A) Who, for compensation or monetary gain, provides, offers to provide or advertises the pro-
26 vision of:

27 (i) Outfitting and guiding services in this state; or

28 (ii) Outfitting and guiding services and either equipment, supplies, livestock or materials for use

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 in this state; or

2 (B) Who holds one or more federal special use permits for commercial outfitting and guiding
3 services for use in any forest or wilderness or on any waterway in this state.

4 (b) "Outfitter and guide" does not include:

5 (A) An individual who, for compensation or monetary gain, provides outfitting and guiding ser-
6 vices for the conduct of outdoor recreational activities exclusively upon property owned or con-
7 trolled by the individual; or

8 (B) An employee of an outfitter and guide, unless the employee conducts, leads or assists in
9 angling activities or operates or assists in the operation of watercraft used for angling.

10 (5)(a) "Outfitting and guiding services" includes, but is not limited to, leading, protecting, in-
11 structing, training, cooking, packing, guiding, transporting, supervising, interpreting or otherwise
12 assisting any person in the conduct of outdoor recreational activities.

13 (b) "Outfitting and guiding services" does not include the rental of equipment alone.

14 **SECTION 2.** ORS 704.020 is amended to read:

15 704.020. (1) Any person who acts or offers to act as an outfitter and guide [*must*] **shall** first
16 register with the State Marine Board. Each registration shall be submitted annually on a form pro-
17 vided by the board and shall include the following information:

18 (a) The name, residence address and telephone number of the person providing outfitting and
19 guiding services, and all business names, addresses and telephone numbers under which outfitting
20 and guiding services are provided.

21 (b) Proof that the business under which outfitting and guiding services are provided has regis-
22 tered with the Secretary of State.

23 (c) If the outfitting and guiding services are to be performed in the business name of an indi-
24 vidual, proof that the outfitter and guide is certified to give first aid, as determined by the board
25 by rule.

26 (d) If the outfitting and guiding services are to be performed in the business name of a person
27 other than an individual, a list of the names of all employees, agents and parties in interest who
28 physically provide, or who directly assist in physically providing, outfitting and guiding services in
29 this state, together with the affidavit of the outfitter and guide that each such employee, agent or
30 party in interest is certified to give first aid, as determined by the board by rule.

31 (e) If the outfitter and guide is carrying passengers for hire on waterways determined to be
32 navigable by the United States Coast Guard, proof that the person or an individual employed by the
33 person has a valid United States Coast Guard operator license.

34 (f) A description of:

35 (A) The outfitting and guiding services and any equipment, supplies, livestock and materials
36 provided by the outfitter and guide;

37 (B) The geographic area in which the outfitter and guide provides the outfitting and guiding
38 services and the equipment, supplies, livestock and materials; and

39 (C) The experience of the outfitter and guide in providing the outfitting and guiding services and
40 the equipment, supplies, livestock and materials.

41 (g) Proof that the outfitter and guide has liability insurance covering occurrences by the out-
42 fitter and guide, and the employees of the outfitter and guide, which result in bodily injury or
43 property damage. To meet the requirement under this paragraph, insurance must provide combined
44 single limit per occurrence general liability coverage of at least \$500,000.

45 (h) Certification by the outfitter and guide that the outfitter and guide will maintain the insur-

1 ance required by paragraph (g) of this subsection continuously and in full force and effect for a pe-
 2 riod of time to be determined by the board by rule.

3 (i) The affidavit of the outfitter and guide stating that for a period of not less than 24 months
 4 immediately prior to making the registration application the outfitter and guide and each person
 5 who provides or assists in directly providing outfitting and guiding services:

6 (A) Have not been convicted of:

7 (i) A felony or misdemeanor related to the provision of services regulated by this chapter;

8 (ii) A violation under this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or
 9 830 or any rule adopted pursuant to ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830;

10 (iii) A violation of the wildlife laws that occurred while acting as an outfitter and guide and that
 11 resulted in court-ordered revocation of the hunting or fishing license of the outfitter and guide;

12 (iv) A crime involving delivery, manufacture or possession of a controlled substance, as defined
 13 in ORS 475.005; or

14 (v) Assault in any degree, criminal homicide as defined in ORS 163.005 or kidnapping in any
 15 degree;

16 (B) Have not had an outfitting and guiding license, permit or certificate revoked, suspended or
 17 canceled by another state or by an agency of the government of the United States;

18 (C) Have not been denied the right to apply for an outfitting and guiding license, permit or
 19 certificate by another state or by an agency of the government of the United States; and

20 (D) Have not been convicted of guiding without registration as required by this subsection.

21 (j) The affidavit of the outfitter and guide stating that the outfitter and guide and each person
 22 who provides or assists in directly providing outfitting and guiding services have not been convicted
 23 of:

24 (A) A crime, the result of which prohibits the person from possessing a firearm; or

25 (B) A crime, the result of which requires the person to be registered as a sex offender under
 26 ORS 163A.010, 163A.015, 163A.020 or 163A.025.

27 (2)(a) In addition to the requirements of subsection (1) of this section, a person who acts or of-
 28 fers to act as an outfitter and guide using boats that are under the direct operation of an outfitter
 29 and guide or an employee of an outfitter and guide for the purpose of carrying passengers on the
 30 waters of this state must submit proof:

31 (A) If operating a motorboat on the waters of this state, that the outfitter and guide:

32 (i) Has passed a written test adopted by the board by rule;

33 (ii) Has participated in a drug and alcohol program as defined by the board by rule; and

34 (iii) Has completed a physical examination every five years as required by the board by rule.

35 (B) Of liability insurance in a form prescribed by the board by rule.

36 (b) A person is exempt from paragraph (a)(A) of this subsection if the person is operating a
 37 motorboat on waters of this state determined to be navigable by the United States Coast Guard and
 38 the person possesses a valid United States Coast Guard operator license.

39 (3)(a) A person who registers as an outfitter and guide and who accepts deposits from clients in
 40 excess of \$100 per person shall submit a bond or other financial security in the amount of \$5,000 to
 41 the board at the time of registration. The bond or other financial security shall be held by the board
 42 for the benefit of clients of the outfitter and guide who pay a money deposit to the outfitter and
 43 guide in anticipation of services to be received. The bond or other financial security amount shall
 44 be released to such client or clients conditioned upon a failure of the outfitter and guide to return
 45 the deposit following cancellation of services or other failure to provide agreed upon services.

1 (b) The board shall release or retain all or any portion of a bond or other financial security as
 2 described in paragraph (a) of this subsection according to the provisions of ORS chapter 183.

3 *[(4) Each annual registration shall be accompanied by a fee as follows:]*

4 *[(a) For resident persons, \$150.]*

5 *[(b) For nonresident persons who reside in a state that requires residents of this state to pay a li-*
 6 *cence fee, registration fee or other fee or charge in excess of \$150 to act as an outfitter and guide in*
 7 *that state, the same fee or other charge as is charged the residents of this state to act as an outfitter*
 8 *and guide in the state where the nonresident applicant resides. If the state in which such a nonresident*
 9 *applicant resides makes distinctions in fees or charges based on the type of outfitter and guide service*
 10 *performed and requires residents of this state to pay fees or charges accordingly, the board shall make*
 11 *and apply those same distinctions and require the nonresident applicants to pay the corresponding fees*
 12 *or charges.]*

13 *[(c) For nonresident persons other than those referred to in paragraph (b) of this subsection,*
 14 *\$150.]*

15 **(4) Each outfitter and guide and employee shall pay to the board an annual registration**
 16 **fee, as follows:**

17 **(a) For outfitters and guides, \$350.**

18 **(b) For employees, \$25.**

19 (5) Upon the submission to the board of the appropriate fees prescribed in this section and the
 20 registration information required by this section, the board shall issue to the applicant a certificate
 21 of registration. The board shall also issue to each registrant proof of compliance with the require-
 22 ments of this section.

23 (6) A person who conducts sightseeing flights or other aircraft operations is exempt from the
 24 provisions of this section unless the activities conducted by the person are outdoor recreational
 25 activities as defined in ORS 704.010.

26 (7) The board shall issue an identifying decal to outfitters and guides registering under this
 27 section that may be displayed on vehicles, pack equipment or other suitable locations where cus-
 28 tomers can see the registration decal.

29 (8) A certificate of registration issued to an outfitter and guide under this section expires on
 30 December 31 of each calendar year or on such date as may be specified by board rule.

31 **SECTION 3.** ORS 704.900 is amended to read:

32 704.900. (1) In addition to any other penalty provided by law, the State Marine Board may im-
 33 pose a civil penalty for failure to comply with ORS 704.020, 704.021, 704.065 or 704.070 or for vio-
 34 lation of ORS 704.030.

35 (2) Any civil penalty under this section shall be imposed in the manner provided by ORS 183.745.

36 (3) Notwithstanding ORS 183.745, the person to whom the notice is addressed shall have 30 days
 37 from the date of service of the notice in which to make written application for a hearing before the
 38 board.

39 (4) The board shall adopt rules implementing these provisions, including a schedule of civil
 40 penalties. The civil penalty for each violation shall not exceed [~~\$500~~] **\$1,000**.

41 (5) A civil penalty imposed under this section may be remitted or reduced upon such terms and
 42 conditions as the board considers proper and consistent with the public health and safety.

43 (6)(a) In imposing a penalty pursuant to the schedule adopted pursuant to this section, the board
 44 shall consider the following factors:

45 (A) Any prior violations of ORS 704.020, 704.021, 704.030, 704.065 or 704.070.

1 (B) The immediacy and extent to which the violation threatens the public health or safety.

2 (b) The penalty imposed under this section may be remitted or mitigated upon such terms and
3 conditions as the board determines to be proper and consistent with the public benefit. Upon the
4 request of the person incurring the penalty, the board shall consider evidence of the economic and
5 financial conditions of the person in determining whether a penalty shall be remitted or mitigated.

6 (7) All penalties recovered under this section shall be paid into the State Treasury and credited
7 to the Outfitters and Guides Account.

8 **SECTION 4. (1) The amendments to ORS 704.020 by section 2 of this 2025 Act apply to**
9 **fees imposed on or after November 1, 2025.**

10 **(2) The amendments to ORS 704.900 by section 3 of this 2025 Act apply to civil penalties**
11 **imposed on or after the effective date of this 2025 Act.**

12 **SECTION 5. (1) The amendments to ORS 704.020 by section 2 of this 2025 Act become**
13 **operative November 1, 2025.**

14 **(2) The State Marine Board may adopt rules and take any other action before the oper-**
15 **ative date specified in subsection (1) of this section that is necessary to enable the board to**
16 **undertake and exercise, on and after the operative date specified in subsection (1) of this**
17 **section, all of the duties, functions and powers conferred on the board by the amendments**
18 **to ORS 704.020 by section 2 of this 2025 Act.**

19 **SECTION 6. This 2025 Act takes effect on the 91st day after the date on which the 2025**
20 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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