

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2558**

1 On page 1 of the printed bill, line 3, after “704.020” insert “, 704.035,
2 704.040”.

3 Delete lines 5 through 28.

4 On page 2, delete lines 1 through 13 and insert:

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*
9 *waters of the Pacific Ocean over which the State of Oregon has jurisdiction;*]

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

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

14 **“(1) ‘Charter guide’ means an outfitter and guide who:**

15 **“(a) Possesses a valid United States Coast Guard operator license;**
16 **and**

17 **“(b) Carries no more than six passengers for hire for outdoor rec-**
18 **reational activities on federally navigable waterways.**

19 **“(2) ‘Crew member’ means an employee who:**

20 **“(a) Assists with angling activities, or in the operation of watercraft**
21 **used for angling, while aboard a boat;**

1 **“(b) Works under the direct supervision of a charter guide, or of**
2 **an outfitter and guide, who is physically present and in direct com-**
3 **munication with the crew member; and**

4 **“(c) Is registered with the State Marine Board as a crew member**
5 **under section 5 of this 2025 Act.**

6 “[(2)] (3) ‘Employee’ means an individual who, in exchange for compen-
7 sation or monetary gain, provides outfitting and guiding services under the
8 direction, supervision and control of an outfitter and guide or a charter
9 guide.

10 “[(3)] (4) ‘Outdoor recreational activities’ includes, but is not limited to,
11 boating, angling, hunting, jeep touring, backpacking, alpine mountain
12 climbing, camping, trips utilizing pack animals, dog sled trips, whitewater
13 float trips, rafting trips, drift boat trips, kayak trips, inflatable canoe trips
14 and canoe trips, the duration of which may be for a few hours or for several
15 days or weeks.

16 “[(4)(a)] (5)(a) ‘Outfitter and guide’ means any person:

17 “(A) Who, for compensation or monetary gain, provides, offers to provide
18 or advertises the provision of:

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

20 “(ii) Outfitting and guiding services and either equipment, supplies, live-
21 stock or materials for use in this state; or

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

25 “(b) ‘Outfitter and guide’ does not include:

26 “(A) An individual who, for compensation or monetary gain, provides
27 outfitting and guiding services for the conduct of outdoor recreational ac-
28 tivities exclusively upon property owned or controlled by the individual; or

29 “(B) An employee of an outfitter and guide, unless the employee conducts,
30 leads or assists in angling activities or operates or assists in the operation

1 of watercraft used for angling.

2 “[5)(a)] **(6)(a)** ‘Outfitting and guiding services’ includes, but is not lim-
3 ited to, leading, protecting, instructing, training, cooking, packing, guiding,
4 transporting, supervising, interpreting or otherwise assisting any person in
5 the conduct of outdoor recreational activities.

6 “(b) ‘Outfitting and guiding services’ does not include the rental of
7 equipment alone.”.

8 On page 4, delete lines 15 through 18 and insert:

9 “(4) Each outfitter and guide shall pay to the board an annual registra-
10 tion fee, as follows:

11 “(a) For a charter guide, \$500.

12 “(b) For an outfitter and guide, who is not otherwise a charter guide,
13 \$350.”.

14 On page 5, delete lines 8 through 20 and insert:

15 **“SECTION 4. Section 5 of this 2025 Act is added to and made a part
16 of ORS chapter 704.**

17 **“SECTION 5. (1) A person may not act as a crew member without
18 first registering with the State Marine Board. Each applicant shall
19 submit the application on a form provided by the board and shall in-
20 clude the following:**

21 **“(a) The name, residence address, date of birth and telephone
22 number of the applicant;**

23 **“(b) All names, business names, addresses and telephone numbers
24 of the applicant’s employer;**

25 **“(c) Proof that the crew member is certified to give first aid and
26 cardiopulmonary resuscitation, as determined by the board by rule;
27 and**

28 **“(d) An affidavit stating that, for a period of not less than 24
29 months immediately prior to making the registration application, the
30 applicant has not been convicted of an offense listed in ORS 704.020**

1 (1)(i) and (j).

2 “(2) The board may issue either an annual crew member registra-
3 tion or a biennial crew member registration under this section.

4 “(3) The board by rule shall establish procedures to renew a crew
5 member registration issued under this section. The rules must specify
6 the duration of a renewed crew member registration.

7 “(4) Each application for issuance and each renewal of registration
8 must be accompanied by a fee of \$50 per year of registration.

9 “**SECTION 6.** ORS 704.035 is amended to read:

10 “704.035. (1) The State Marine Board shall provide an opportunity for
11 hearing as required by ORS chapter 183 when the board proposes to:

12 “(a) Deny issuance or renewal of an outfitter and guide registration **or**
13 **a crew member registration;**

14 “(b) Revoke or suspend [a] **an outfitter and guide registration or a crew**
15 **member registration;** or

16 “(c) Reprimand an outfitter and guide **or a crew member.**

17 “(2) Any person aggrieved by a decision of the board under this chapter
18 is entitled to judicial review of the decision in accordance with the proce-
19 dure for contested cases provided by ORS chapter 183.

20 “**SECTION 7.** ORS 704.040 is amended to read:

21 “704.040. (1) The Legislative Assembly finds that violation of fire pre-
22 vention, wildlife, hunting, angling, trapping, commercial fishing, recreational
23 boating or public safety laws is directly related to the fitness required for
24 registration as an outfitter and guide **or as a crew member.**

25 “(2) When a person is convicted of a felony or misdemeanor related to the
26 provision of services regulated by this chapter, a violation of ORS 704.020
27 or 704.030 or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830,
28 or any rule promulgated pursuant to ORS 704.500 or ORS chapter 477, 496,
29 497, 498, 501, 506, 508, 509, 511 or 830, the court having jurisdiction of the
30 offense may order the State Marine Board to revoke the certificate of regis-

1 tration issued to that person pursuant to ORS 704.020 **or section 5 of this**
2 **2025 Act.**

3 “(3) When a court orders revocation of a certificate of registration pur-
4 suant to this section, the court shall take up the certificate of registration
5 and forward it with a copy of the revocation order to the board. Upon receipt
6 thereof, the board shall cause revocation of the certificate of registration in
7 accordance with the court order.

8 “(4) Except as provided in subsection (6) of this section, the board, in its
9 discretion, may reprimand an outfitter and guide or **a crew member, or**
10 **may** suspend for up to 60 months, revoke or deny the registration of an
11 outfitter and guide **or of a crew member,** for any of the following, **as ap-**
12 **plicable:**

13 “(a) Conviction of a felony or misdemeanor related to the provision of
14 services regulated by this chapter.

15 “(b) Any serious or repeated violation of this chapter or ORS chapter 477,
16 496, 497, 498, 501, 506, 508, 509, 511 or 830 or any rule adopted pursuant to
17 ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830.

18 “(c) Any serious or repeated violation of the fish and wildlife laws or
19 regulations of the federal government or of another state for committing or
20 omitting acts that, if committed or omitted in this state, would be a violation
21 of ethical or professional standards established pursuant to this chapter. A
22 certified copy of the record of suspension or revocation of the state making
23 such suspension or revocation is conclusive evidence thereof.

24 “(d) Having [*an outfitter and guide*] **a** registration, license, permit or
25 certificate **of the outfitter and guide, or of the crew member,** suspended,
26 revoked, canceled or denied by another state or by an agency of the United
27 States for committing or omitting acts that, if committed or omitted in this
28 state, would be a violation of ethical or professional standards established
29 pursuant to this chapter. A certified copy of the record of suspension or re-
30 vocation of the state making such suspension or revocation is conclusive

1 evidence thereof.

2 “(e) Having a United States Coast Guard vessel operator license revoked,
3 suspended or canceled by the United States Coast Guard for committing or
4 omitting acts that if committed or omitted in this state would be a violation
5 of standards established pursuant to this chapter. A certified copy of the
6 record of revocation, suspension or cancellation from the United States
7 Coast Guard is conclusive evidence thereof.

8 “(f) Engaging in fraudulent, untruthful or seriously misleading advertis-
9 ing in the conduct of the outfitting and guiding services.

10 “(g) Conviction of a crime involving delivery, manufacture or possession
11 of a controlled substance, as defined in ORS 475.005.

12 “(h) Conviction of assault in any degree, criminal homicide as defined in
13 ORS 163.005 or kidnapping in any degree.

14 “(5) The board shall revoke the registration of an outfitter and guide **or**
15 **crew member** for:

16 “(a) Conviction of a crime, the result of which prohibits the person from
17 possessing a firearm; or

18 “(b) Conviction of a crime, the result of which requires the person to be
19 registered as a sex offender under ORS 163A.010, 163A.015, 163A.020 or
20 163A.025.

21 “(6) The board may deny, for any period, the registration of an outfitter
22 and guide **or crew member** if:

23 “(a) The outfitter and guide, **the crew member** or any person who pro-
24 vides or assists the outfitter and guide in directly providing outfitting and
25 guiding services has had a certificate of registration revoked pursuant to a
26 court order under this section for conviction of a violation of ORS chapter
27 496, 497, 498 or 501, or any rule adopted pursuant to ORS chapter 496, 497,
28 498 or 501; and

29 “(b) The violation described in paragraph (a) of this subsection involved
30 the unlawful taking or killing of wildlife with a culpable mental state as

1 provided for in ORS 496.992.

2 “(7) The board shall adopt rules to implement subsections (4) to (6) of this
3 section, including rules that describe conduct that is a serious or repeated
4 violation of a law, rule or regulation.

5 **“SECTION 8. (1) Section 5 of this 2025 Act and the amendments to
6 ORS 704.020 by section 2 of this 2025 Act apply to fees imposed on or
7 after November 1, 2025.**

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

11 **“SECTION 9. (1) Section 5 of this 2025 Act and the amendments to
12 ORS 704.010, 704.020, 704.035 and 704.040 by sections 1, 2, 6 and 7 of this
13 2025 Act become operative on November 1, 2025.**

14 **“(2) The State Marine Board may adopt rules and take any other
15 action before the operative date specified in subsection (1) of this sec-
16 tion that is necessary to enable the board to undertake and exercise,
17 on and after the operative date specified in subsection (1) of this sec-
18 tion, all of the duties, functions and powers conferred on the board
19 by section 5 of this 2025 Act and the amendments to ORS 704.010,
20 704.020, 704.035 and 704.040 by sections 1, 2, 6 and 7 of this 2025 Act.**

21 **“SECTION 10. This 2025 Act takes effect on the 91st day after the
22 date on which the 2025 regular session of the Eighty-third Legislative
23 Assembly adjourns sine die.”.**

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