

HB 4004-5
(LC 242)
2/26 (HE/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND WATER (at the request of Representatives Ken Helm, Mark Owens)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4004**

1 On page 1 of the printed bill, line 2, after “308A.707” insert “and
2 830.005”.

3 On page 2, after line 29, insert:

4 **“SECTION 4.** ORS 830.005 is amended to read:

5 “830.005. As used in this chapter, unless the context requires otherwise:

6 “(1) ‘Board’ means the State Marine Board.

7 “[(2) ‘Boat’ means every description of watercraft, including a seaplane on
8 the water and not in flight, used or capable of being used as a means of
9 transportation on the water, but does not include boathouses, floating homes,
10 air mattresses, beach and water toys or single inner tubes.]

11 “(2) ‘Boat’ means every description of watercraft, including a
12 seaplane on the water and not in flight, used or capable of being used
13 as a means of transportation on the water, but does not include:

14 “(a) Stationary floating structures such as boathouses, floating
15 homes or docks; or

16 “(b) Unless otherwise designated by the United States Coast Guard,
17 flotation devices that are not designed to be used in conjunction with
18 a propulsion device, such as swimming aids, water toys, air
19 mattresses, inner tubes or other means of flotation, or any combina-
20 tion of these flotation devices.

21 “(3) ‘Boating offense’ means violation of any provision of law that is made

1 a crime or violation under the provisions of this chapter.

2 “(4) ‘In flight’ means from the moment a seaplane starts its takeoff run
3 until the end of a normal power-off landing run.

4 “(5) ‘Length’ means the length of a boat measured from end to end over
5 the deck excluding sheer.

6 “(6) ‘Motorboat’ means any boat propelled in whole or in part by ma-
7 chinery, including boats temporarily equipped with detachable motors.

8 “(7) ‘Navigable waters of the United States’ means those waters of the
9 United States, including the territorial seas adjacent thereto, the general
10 character of which is navigable, and that, either by themselves or by uniting
11 with other waters, form a continuous waterway on which boats or vessels
12 may navigate or travel between two or more states, or to and from foreign
13 nations.

14 “(8) ‘Operate’ means to navigate or otherwise use a boat.

15 “(9) ‘Operator of a boat livery’ means any person who is engaged wholly
16 or in part in the business of chartering or renting boats to other persons.

17 “(10) ‘Passenger’ means every person on board a boat who is not the
18 master, operator, crew member or other person engaged in any capacity in
19 the business of the boat.

20 “(11) ‘Peace officer’ includes a member of the Oregon State Police, a
21 sheriff or deputy sheriff, a city police officer, an authorized tribal police of-
22 ficer as defined in ORS 181A.940, and a police officer commissioned by a
23 university under ORS 352.121 or 353.125.

24 “(12) ‘State waters’ means those waters entirely within the confines of
25 this state that have not been declared navigable waters of the United States.

26 “(13) ‘Waters of this state’ means all waters within the territorial limits
27 of this state, the marginal sea adjacent to this state and the high seas when
28 navigated as part of a journey or ride to or from the shore of this state.”.

29 In line 30, delete “4” and insert “5”.
30 _____