

**PROPOSED AMENDMENTS TO  
SENATE BILL 179**

1 On page 1 of the printed bill, line 2, delete “and 835.205” and insert “,  
2 835.205 and 835.210”.

3 Delete lines 4 through 29 and delete pages 2 and 3 and insert:

4 **“SECTION 1. ORS 835.200, 835.205 and 835.210 are added to and made**  
5 **a part of ORS chapter 830.**

6 **“SECTION 2.** ORS 835.200 is amended to read:

7 “835.200. [(1) *The State Aviation Board, pursuant to ORS 835.035 and uti-*  
8 *lizing the definitions contained in ORS 830.005:*]

9 **(1) The State Marine Board:**

10 “(a) Shall adopt rules governing seaplane safety and operations on state  
11 waters, as defined in ORS 830.005, that shall be applicable to all seaplanes  
12 except when inconsistent with any applicable laws or regulations of an  
13 agency of the United States.

14 “(b) May adopt rules governing seaplane safety and operations on waters  
15 of this state, as defined in ORS 830.005, that shall be applicable to all  
16 seaplanes except when inconsistent with any applicable laws or regulations  
17 of an agency of the United States.

18 “(2) The State [*Aviation*] **Marine** Board shall adopt the rules **described**  
19 in subsection (1) of this section [*in*] **after** consultation with the State [*Ma-*  
20 *rine*] **Aviation** Board and the State Parks and Recreation Department.

21 “(3) The rules **described** in subsection (1) of this section shall include  
22 identification of zones and bodies of water on which seaplanes may not land,

1 take off or operate.

2 “(4) As used in this section and ORS 835.210, ‘seaplane’ means an aircraft  
3 equipped to land on water.

4 **“SECTION 3.** ORS 835.205 is amended to read:

5 “835.205. For purposes of ORS 830.175, 830.180, 830.185 and 830.195, the  
6 [*Oregon Department of Aviation, in cooperation with the*] State Marine Board,  
7 **after consultation with the Oregon Department of Aviation**, shall reg-  
8 ulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

9 **“SECTION 4.** ORS 835.210 is amended to read:

10 “835.210. (1) The governing body of a political subdivision of this state  
11 may apply to the State [*Aviation*] **Marine** Board for special regulations re-  
12 lating to the operations of seaplanes on waters within the territorial limits  
13 of the political subdivision. These regulations may include, but need not be  
14 limited to, the establishment of limits on the areas of operations, hours and  
15 time of operations, and the prohibition of seaplane landings and takeoffs.  
16 Within a reasonable time, the board shall act upon the application in ac-  
17 cordance with ORS chapter 183.

18 “(2) For purposes of regulation, no political subdivision of this state may  
19 enact or enforce any law or other regulation for purposes of subsection (1)  
20 of this section.

21 **“SECTION 5.** ORS 830.110 is amended to read:

22 “830.110. In addition to the powers and duties otherwise provided in this  
23 chapter, the State Marine Board shall have the power and duty to:

24 “(1) Make all rules necessary to carry out the provisions of this chapter.  
25 The rules shall be made in accordance with ORS chapter 183.

26 “(2) Devise a system of identifying numbers for boats, floating homes and  
27 boathouses. If an agency of the federal government has an overall system of  
28 identification numbering for boats within the United States, the system de-  
29 vised by the board shall conform with the federal system.

30 “(3) Cooperate with state and federal agencies to promote uniformity of

1 the laws relating to boating and their enforcement.

2 “(4) Make contracts necessary to carry out the provisions of ORS 830.060  
3 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795  
4 to 830.820 and 830.830 to 830.870.

5 “(5) Advise and assist county sheriffs and other peace officers in the  
6 enforcement of laws relating to boating.

7 “(6) Study, plan and recommend the development of boating facilities  
8 throughout the state which will promote the safety and pleasure of the pub-  
9 lic through boating.

10 “(7) Publicize the advantage of safe boating.

11 “(8) Accept gifts and grants of property and money to be used to further  
12 the purposes of this chapter.

13 “(9) Exempt from any provisions of this chapter any class of boats if it  
14 determines that the safety of persons and property will not be materially  
15 promoted by the applicability of those provisions to the class of boats. The  
16 board may not exempt from numbering any class of boats unless:

17 “(a) The board determines that the numbering will not materially aid in  
18 their identification; and

19 “(b) The secretary of the department of the federal government under  
20 which the United States Coast Guard is operating has exempted from num-  
21 bering the same boats or classes of boats.

22 “(10) Appoint and require the bonding of agents to issue a temporary  
23 permit to operate a boat. In addition to the prescribed fees, the agents may  
24 charge the following for their services in issuing the temporary permit:

25 “(a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;

26 “(b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and

27 “(c) Beginning in 2014, and every three years thereafter, the board shall  
28 issue an order revising the fee specified in paragraph (b) of this subsection  
29 on January 1, based on changes in the Portland-Salem, OR-WA, Consumer  
30 Price Index for All Urban Consumers for All Items, as published by the Bu-

1 reau of Labor Statistics of the United States Department of Labor. The board  
2 shall round the amount of the fee to the nearest half-dollar. The revised fee  
3 takes effect on January 1 and applies for the following three years.

4 “(11) Publish and distribute to the interested public the boating laws of  
5 this state and resumes or explanations of those laws.

6 “(12) Publish and distribute forms for any application required under this  
7 chapter and require the use of such forms.

8 “(13) Make rules for the uniform navigational marking of the waters of  
9 this state. Such rules shall not conflict with markings prescribed by the  
10 United States Coast Guard. No political subdivision or person shall mark the  
11 waters of this state in any manner in conflict with the markings prescribed  
12 by the board.

13 “(14) Make rules regarding marine toilets and their use consistent with  
14 the prevention and control of pollution of the waters of this state and not  
15 in conflict with the rules of the Oregon Health Authority or the Environ-  
16 mental Quality Commission.

17 “(15) Institute proceedings to enjoin unlawful obstructions injuring free  
18 navigation on the waters of this state.

19 “(16) Make rules regulating water ski course markers, ski jumps and  
20 other special use devices placed in the waters of this state. Such rules may  
21 regulate the installation and use of the devices and may require a permit.

22 “(17) Adopt rules necessary to carry out and enforce the provisions of  
23 ORS 830.950 and 830.955. The rules shall include but need not be limited to:

24 “(a) The kinds of protective covering or physical barriers that are ac-  
25 ceptable to be used between a submersible polystyrene device and the water.

26 “(b) Guidelines for the use of submersible polystyrene devices for the re-  
27 pair or maintenance of existing docks or floats.

28 “(18) Adopt rules providing for establishment of a Safe Boating Education  
29 Course to be made available to courts and law enforcement agencies within  
30 this state for use as a sentencing option for those individuals convicted of

1 boating offenses. The board shall specify the content of the Safe Boating  
2 Education Course and shall prescribe procedures for making the course  
3 available to local courts and law enforcement agencies, including procedures  
4 for promptly notifying such courts whether individuals required to enroll in  
5 the course have taken and successfully passed the course. Such rules may  
6 provide for administration of the course through nonprofit organizations,  
7 such as the United States Coast Guard Auxiliary, United States Power  
8 Squadrons or similar groups.

9 “(19) For purposes of ORS 830.175, 830.180, 830.185 and 830.195, [*in coop-*  
10 *eration*] **after consultation** with the State Aviation Board, regulate boats  
11 that are seaplanes as provided in ORS 830.605 and 835.200.

12 **“SECTION 6. The amendments to ORS 830.110, 835.200, 835.205 and**  
13 **835.210 by sections 2 to 5 of this 2013 Act apply to rules adopted,**  
14 **amended or repealed on or after the effective date of this 2013 Act.”.**

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