

House Bill 2320

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown 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**.

Directs State Marine Board to create Nonmotorized Boating Program. Defines "nonmotorized boat" and "nonmotorized craft."

Establishes Nonmotorized Boating Program Fund.

Requires person using nonmotorized craft on river or stream to wear life jacket. Punishes by maximum fine of \$30.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to small watercraft; creating new provisions; amending ORS 153.096, 830.005, 830.110,
3 830.172, 830.565, 830.570, 830.575, 830.700 and 830.990; and declaring an emergency.

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

DEFINITIONS

5
6
7
8 **SECTION 1.** ORS 830.005 is amended to read:

9 830.005. As used in this chapter, unless the context requires otherwise:

10 (1) "Board" means the State Marine Board.

11 (2) "Boat" means every description of watercraft, including a seaplane on the water and not in
12 flight, used or capable of being used as a means of transportation on the water, but does not include
13 boathouses, floating homes[, *air mattresses, beach and water toys or single inner tubes*] **or nonmo-**
14 **torized craft.**

15 (3) "Boating offense" means violation of any provision of law that is made a crime or violation
16 under the provisions of this chapter.

17 (4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal
18 power-off landing run.

19 (5) "Length" means the length of a boat measured from end to end over the deck excluding
20 sheer.

21 (6) "Motorboat" means any boat propelled in whole or in part by machinery, including boats
22 temporarily equipped with detachable motors.

23 (7) "Navigable waters of the United States" means those waters of the United States, including
24 the territorial seas adjacent thereto, the general character of which is navigable, and that, either
25 by themselves or by uniting with other waters, form a continuous waterway on which boats or ves-
26 sels may navigate or travel between two or more states, or to and from foreign nations.

27 (8) "**Nonmotorized boat**" means a boat that is not propelled by machinery.

28 (9)(a) "**Nonmotorized craft**" means an object, other than a boat, that is capable of sup-

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 **porting a person on the water and that is not propelled by machinery.**

2 **(b) "Nonmotorized craft" includes, but is not limited to, single inner tubes, air**
3 **mattresses, pool toys, surfboards and body boards.**

4 [(8)] (10) "Operate" means to navigate or otherwise use a boat.

5 [(9)] (11) "Operator of a boat livery" means any person who is engaged wholly or in part in the
6 business of chartering or renting boats to other persons.

7 [(10)] (12) "Passenger" means every person on board a boat who is not the master, operator,
8 crew member or other person engaged in any capacity in the business of the boat.

9 [(11)] (13) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy
10 sheriff, a city police officer, an authorized tribal police officer as defined in ORS 181A.680, and a
11 police officer commissioned by a university under ORS 352.121 or 353.125.

12 [(12)] (14) "State waters" means those waters entirely within the confines of this state that have
13 not been declared navigable waters of the United States.

14 [(13)] (15) "Waters of this state" means all waters within the territorial limits of this state, the
15 marginal sea adjacent to this state and the high seas when navigated as part of a journey or ride
16 to or from the shore of this state.

17
18 **NONMOTORIZED BOATING PROGRAM**

19
20 **SECTION 2. Sections 3 to 13 of this 2017 Act are added to and made a part of ORS**
21 **chapter 830.**

22 **SECTION 3. Nonmotorized Boating Program. (1) The Nonmotorized Boating Program is**
23 **created, to be administered by the State Marine Board as provided in sections 3 to 13 of this**
24 **2017 Act. The purpose of the program is to provide education about nonmotorized boat use,**
25 **to provide safety enforcement of boating regulations for nonmotorized boat operators and**
26 **nonmotorized craft users and to provide safe access to the waters of this state for nonmo-**
27 **torized boat use.**

28 **(2) The board shall adopt rules to administer and implement the program under sections**
29 **3 to 13 of this 2017 Act.**

30 **SECTION 4. Nonmotorized Boating Education Program. (1) As used in this section,**
31 **"nonprofit organization" means an organization described in section 501(c)(3) or (4) of the**
32 **Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal**
33 **Revenue Code.**

34 **(2) As part of the Nonmotorized Boating Program created under section 3 of this 2017**
35 **Act, the State Marine Board shall establish a voluntary nonmotorized boating education**
36 **program. In establishing the nonmotorized boating education program, the board shall:**

37 **(a) Create a course of instruction and examination for nonmotorized boat operators, de-**
38 **signed to educate and test operators on the minimum standards of safety and competency**
39 **established pursuant to paragraph (b) of this subsection; and**

40 **(b) Set minimum standards of safety education competency for beginning level operators**
41 **of nonmotorized boats, which must include classroom and on-water competencies.**

42 **(3) The board may:**

43 **(a) Issue grants, as provided in section 10 of this 2017 Act, to nonprofit organizations to**
44 **assist the nonprofit organizations in providing education about nonmotorized boat use.**

45 **(b) Approve the use of commercially provided safety courses for nonmotorized boat op-**

erators if the courses meet the standards established by the board under this section.

(4) The board shall adopt by rule:

(a) The minimum standards described in subsection (2)(b) of this section.

(b) Requirements for operators of boat liveries to provide educational information to customers.

SECTION 5. Nonmotorized Boating Safety Enforcement. As part of the Nonmotorized Boating Program created under section 3 of this 2017 Act, the State Marine Board:

(1) May contract with a city, with the Department of State Police or with a county sheriff for patrols in areas with significant presence of nonmotorized boats and nonmotorized craft, as determined by the board, to enforce the laws of this chapter and to reduce conflict between users of the waters of this state.

(2) May contract with a city, with the department or with a county sheriff for the purchase of appropriate watercraft to assist in the duties identified in subsection (1) of this section.

(3) May contract with any person or public body, as defined in ORS 174.109, to remove any obstruction as described in ORS 830.160 for nonmotorized boating.

SECTION 6. Access for Nonmotorized Boat Use. (1) As used in this section, “public body” has the meaning given that term in ORS 174.109.

(2) As part of the Nonmotorized Boating Program created under section 3 of this 2017 Act, the State Marine Board may:

(a) Provide grants under section 10 of this 2017 Act to assist public bodies and federal agencies with:

(A) The purchase of land, leases or easements in order to provide access to public waterways.

(B) The construction, renovation, expansion or development of public boating facilities for nonmotorized boat use.

(C) The construction, renovation, expansion or development of public play parks for nonmotorized boat use, such as whitewater parks and competition courses. In addition, the board may also provide grants to private entities to assist with the activities described in this subparagraph.

(D) Modifying or upgrading existing public boating facilities to accommodate or incorporate nonmotorized boat use.

(b) Provide technical services to support the activities described in this section.

(c) Provide maintenance assistance program funding as defined by the board by rule.

SECTION 7. Nonmotorized Boating Permit. (1) Except as provided in subsections (2) and (3) of this section, a person 14 years of age or older shall carry a nonmotorized boating permit while operating a nonmotorized boat, in the manner provided by the State Marine Board by rule. The person shall present proof of a permit upon request by a peace officer.

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

(a) A person operating a nonmotorized boat that is displaying a validation sticker as required under ORS 830.795.

(b) A person operating a nonmotorized boat, if the nonmotorized boat is owned by an operator of a boat livery and the person displays proof of holding a nonmotorized boating permit according to rules adopted by the board.

(c) A person operating a nonmotorized boat on a federally designated wild and scenic

1 river for which a separate fee system is in place.

2 (d) A person operating a nonmotorized boat, if the person is engaged in law enforcement,
3 public safety or official business of a federal, state or municipal agency as defined by the
4 board by rule.

5 (e) A resident of a border state who launches a nonmotorized boat from that border state
6 into border waters, as defined by the board by rule.

7 (f) A person operating a nonmotorized boat, if the person holds a nonmotorized boating
8 permit, a registration or a similar authorization that is issued by another state and accepted
9 by the board by rule.

10 (3) The board may adopt rules that provide additional exemptions from the requirement
11 to obtain a permit under subsection (1) of this section.

12 **SECTION 8. Nonmotorized Boating Permit; issuance; fee.** (1) The State Marine Board
13 shall issue a nonmotorized boating permit to a person who pays the fee for the permit de-
14 scribed in section 7 of this 2017 Act.

15 (2) The board may appoint agents to issue nonmotorized boating permits.

16 (3) Agents shall issue nonmotorized boating permits in accordance with procedures pre-
17 scribed by the board by rule and shall charge and collect the nonmotorized boating permit
18 fees prescribed by law.

19 (4) The board may authorize an agent other than a board employee to charge a service
20 fee of \$2, in addition to the nonmotorized boating permit fee, for the issuance service per-
21 formed by the agent.

22 (5) The board shall supply the agents with nonmotorized boating permits, if applicable.

23 (6) An operator of a boat livery shall display proof of holding a nonmotorized boat permit
24 according to rules adopted by the board.

25 (7) The board may combine a nonmotorized boating permit with other permits, certif-
26 icates, licenses or registrations issued by the board to the same person in the manner pro-
27 vided by the board by rule.

28 **SECTION 9. Nonmotorized Boating Permit Fees.** (1) Notwithstanding ORS 830.790 (3), fees
29 for issuance of a nonmotorized boating permit are as follows:

30 (a) \$4 for a one-week permit.

31 (b) \$12 for an annual permit.

32 (c) \$20 for a biennial permit.

33 (d) The annual fee for an operator of a boat livery that offers nonmotorized boats is:

34 (A) \$60 for an operator who owns 6 to 10 nonmotorized boats.

35 (B) \$110 for an operator who owns 11 to 20 nonmotorized boats.

36 (C) \$200 for an operator who owns 21 or more nonmotorized boats.

37 (2) The State Marine Board shall deposit fees received under this section into the Non-
38 motorized Boating Program Fund established under section 13 of this 2017 Act.

39 **SECTION 10. Grants from Nonmotorized Boating Program Fund.** (1) The State Marine
40 Board may provide, from moneys in the Nonmotorized Boating Program Fund established
41 under section 13 of this 2017 Act, grants to public bodies, as defined in ORS 174.109, to private
42 entities and to nonprofit organizations, as defined in section 4 of this 2017 Act, to assist in
43 paying for costs incurred to:

44 (a) Provide nonmotorized boating education pursuant to section 4 of this 2017 Act; or

45 (b) Implement the provisions of section 6 of this 2017 Act.

1 **(2) The board shall adopt rules for implementing the grant program described in this**
 2 **section.**

3 **SECTION 11. Nonmotorized Craft. (1) Except as provided in subsection (2) of this section,**
 4 **a person using a nonmotorized craft in a river or stream shall wear an approved personal**
 5 **flotation device of a type prescribed by the State Marine Board by rule.**

6 **(2) This section does not apply to a person using a nonmotorized craft within a water**
 7 **area that is clearly marked by buoys, or some other distinguishing device, as a bathing or**
 8 **swimming area.**

9 **SECTION 12. Advertising. (1) The State Marine Board may sell advertising in board**
 10 **publications, including promotional brochures, educational information, signs and other me-**
 11 **dia.**

12 **(2) The board shall deposit any advertising proceeds into the Nonmotorized Boating Pro-**
 13 **gram Fund established in section 13 of this 2017 Act. The board shall first expend the pro-**
 14 **ceeds to offset costs for production, printing and publication. The board may expend any**
 15 **remaining proceeds for the purposes authorized in section 13 of this 2017 Act.**

16 **SECTION 13. Nonmotorized Boating Program Fund. (1) The Nonmotorized Boating Pro-**
 17 **gram Fund is established in the State Treasury, separate and distinct from the General**
 18 **Fund. Interest earned by the Nonmotorized Boating Program Fund shall be credited to the**
 19 **fund. Moneys in the fund are continuously appropriated to the State Marine Board for the**
 20 **purpose of administering the Nonmotorized Boating Program under sections 3 to 13 of this**
 21 **2017 Act.**

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

23 **(A) Moneys deposited into the fund under sections 9 and 12 of this 2017 Act.**

24 **(B) Moneys received under paragraph (b) of this subsection.**

25 **(C) Any other moneys appropriated to the fund by the Legislative Assembly.**

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

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

29 **(a) To pay the costs of administering and implementing the Nonmotorized Boating Pro-**
 30 **gram under sections 3 to 13 of this 2017 Act, including production, printing and publishing**
 31 **costs under section 12 of this 2017 Act.**

32 **(b) To provide grants as provided in section 10 of this 2017 Act.**

33 **(c) For any other purpose described in sections 3 to 13 of this 2017 Act.**

34 **SECTION 14. ORS 830.110 is amended to read:**

35 830.110. In addition to the powers and duties otherwise provided in this chapter, the State Ma-
 36 **rine Board shall have the power and duty to:**

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

39 **(2) Devise a system of identifying numbers for boats, floating homes and boathouses. If an**
 40 **agency of the federal government has an overall system of identification numbering for boats within**
 41 **the United States, the system devised by the board shall conform with the federal system.**

42 **(3) Cooperate with state and federal agencies to promote uniformity of the laws relating to**
 43 **boating and their enforcement.**

44 **(4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.700 to**
 45 **830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 and**

1 **sections 3 to 13 of this 2017 Act.**

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

4 (6) Study, plan and recommend the development of boating facilities throughout the state which
5 will promote the safety and pleasure of the public through boating.

6 (7) Publicize the advantage of safe boating.

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

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

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

13 (b) The secretary of the department of the federal government under which the United States
14 Coast Guard is operating has exempted from numbering the same boats or classes of boats.

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

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

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

20 (c) Beginning in 2014, and every three years thereafter, the board shall issue an order revising
21 the fee specified in paragraph (b) of this subsection on January 1, based on changes in the
22 Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published
23 by the Bureau of Labor Statistics of the United States Department of Labor. The board shall round
24 the amount of the fee to the nearest half-dollar. The revised fee takes effect on January 1 and ap-
25 plies for the following three years.

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

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

30 (13) Make rules for the uniform navigational marking of the waters of this state. Such rules shall
31 not conflict with markings prescribed by the United States Coast Guard. No political subdivision
32 or person shall mark the waters of this state in any manner in conflict with the markings prescribed
33 by the board.

34 (14) Make rules regarding marine toilets and their use consistent with the prevention and con-
35 trol of pollution of the waters of this state and not in conflict with the rules of the Oregon Health
36 Authority or the Environmental Quality Commission.

37 (15) Institute proceedings to enjoin unlawful obstructions injuring free navigation on the waters
38 of this state.

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

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

44 (a) The kinds of protective covering or physical barriers that are acceptable to be used between
45 a submersible polystyrene device and the water.

1 (b) Guidelines for the use of submersible polystyrene devices for the repair or maintenance of
 2 existing docks or floats.

3 (18) Adopt rules providing for establishment of a Safe Boating Education Course **and a non-**
 4 **motorized boating education course** to be made available to courts and law enforcement agencies
 5 within this state for use as a sentencing option for those individuals convicted of boating **and**
 6 **nonmotorized craft** offenses. The board shall specify the content of the [*Safe Boating Education*
 7 *Course*] **courses** and shall prescribe procedures for making the [*course*] **courses** available to local
 8 courts and law enforcement agencies, including procedures for promptly notifying such courts
 9 whether individuals required to enroll in [*the*] a course have taken and successfully passed the
 10 course. [*Such*] **The** rules may provide for administration of the [*course*] **courses** through nonprofit
 11 organizations, such as the United States Coast Guard Auxiliary, United States Power Squadrons or
 12 similar groups.

13 (19) For purposes of ORS 830.175, 830.180, 830.185, 830.187 and 830.195, in cooperation with the
 14 State Aviation Board, regulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

15
 16 **PENALTIES**

17
 18 **SECTION 15.** ORS 830.990 is amended to read:

19 830.990. (1)(a) Violation of ORS 830.565 by a person operating a [*manually propelled*] **nonmo-**
 20 **torized** boat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a vio-
 21 lation of ORS 830.565 by a person operating a [*manually propelled*] **nonmotorized** boat is \$30.

22 (b) Violation of ORS 830.565 by a person operating a motorboat is a Class D violation.
 23 Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person op-
 24 erating a motorboat is \$50.

25 **(c) A person who violates section 11 of this 2017 Act commits a Class D violation.**
 26 **Notwithstanding ORS 153.019, the presumptive fine for violation of section 11 of this 2017 Act**
 27 **is \$30.**

28 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,
 29 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855 **or section 7 of this 2017 Act**, or rules
 30 adopted to carry out the purposes of those statutes, commits a Class D violation.

31 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
 32 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
 33 Class C violation.

34 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
 35 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350,
 36 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or
 37 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

38 (5) A person who violates ORS 830.305 or 830.390, or rules adopted to carry out the purposes
 39 of those statutes, commits a Class A violation.

40 (6) A person who violates ORS 830.383 commits a Class B misdemeanor.

41 (7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730 or
 42 830.955 (1) commits a Class A misdemeanor.

43 (8) A person who violates ORS 830.475 (2) commits a Class C felony.

44 (9) A person who violates ORS 830.944 commits a Class A violation.

45 **SECTION 16.** ORS 153.096 is amended to read:

1 153.096. (1) **Except as provided in subsection (2) of this section**, in any proceeding for a vi-
 2 olation under ORS 830.990 or 830.997, the court may conditionally suspend all or part of any fine
 3 or penalty to be imposed on the defendant if the defendant appears personally and agrees to com-
 4 plete at the defendant's own expense a Safe Boating Education Course approved by the State Marine
 5 Board under ORS 830.110 (18), within time limits imposed by the court.

6 **(2) In any proceeding for a violation under ORS 830.990 (1)(c), the court may conditionally**
 7 **suspend all or part of any fine or penalty to be imposed on the defendant if the defendant**
 8 **appears personally and agrees to complete at the defendant's own expense a course approved**
 9 **by the State Marine Board under section 4 of this 2017 Act, within time limits imposed by**
 10 **the court.**

11 [(2)] (3) In any proceeding for a violation under ORS 830.990 or 830.997, the court shall notify
 12 the State Marine Board if the defendant fails to appear at any time as required by law or the court,
 13 or fails to comply with any order of the court.

14
 15 **CONFORMING AMENDMENTS**

16
 17 **SECTION 17.** ORS 830.172 is amended to read:

18 830.172. (1) In addition to those powers and duties set forth in ORS 830.110, the State Marine
 19 Board shall review county boat use permit programs, adopted by county ordinance, for approval or
 20 denial.

21 (2) The board shall review county boat use permit programs under the following standards:

22 (a) Funds shall be dedicated to county boating programs for boating safety, marine law
 23 enforcement or boating facilities;

24 (b) The program applies only to counties bordering a state that allows imposition of a boat use
 25 permit fee;

26 (c) The program meets standards adopted by rule by the board pertaining to:

27 (A) Use of funds;

28 (B) Amount of fee;

29 (C) Administration; and

30 (D) Enforcement; and

31 (d) Boats with a current, valid certificate of number issued by the board under ORS 830.795 and
 32 [*manually propelled vessels*] **nonmotorized boats** are exempt from county boat use permits.

33 **SECTION 18.** ORS 830.565 is amended to read:

34 830.565. (1) A person may not operate a [*manually propelled*] **nonmotorized** boat that is 10 feet
 35 or more in length or a motorboat on the waters of this state without first obtaining an aquatic
 36 invasive species prevention permit from the State Marine Board under ORS 830.570.

37 (2) A person who obtains an aquatic invasive species prevention permit for a [*manually*
 38 *propelled*] **nonmotorized** boat may use the permit on any [*manually propelled*] **nonmotorized** boat
 39 the person operates on the waters of this state.

40 **SECTION 19.** ORS 830.570 is amended to read:

41 830.570. (1) The State Marine Board shall issue and renew an aquatic invasive species pre-
 42 vention permit to a person who pays the fee for the permit described in ORS 830.575.

43 (2) The board may appoint agents to issue aquatic invasive species prevention permits.

44 (3) Agents shall issue permits in accordance with procedures prescribed by the board by rule
 45 and shall charge and collect the aquatic invasive species prevention permit fees prescribed by law.

1 (4) The board may authorize an agent other than a board employee to charge a service fee of
2 \$2, in addition to the permit fee, for the issuance service performed by the agent.

3 (5) The board shall supply the agents with motorboat and [*manually propelled*] **nonmotorized**
4 boat aquatic invasive species prevention permits.

5 **SECTION 20.** ORS 830.575 is amended to read:

6 830.575. Notwithstanding ORS 830.790 (3), fees for issuance and renewal of an aquatic invasive
7 species prevention permit are as follows:

8 (1) The biennial fee for a motorboat issued a certificate of number under ORS 830.795 is \$5.

9 (2) The annual fee for a [*manually propelled*] **nonmotorized** boat 10 feet or more in length is
10 \$5.

11 (3) The annual fee for a motorboat operated by a nonresident is \$20.

12 (4) **The weekly fee for a nonmotorized boat user issued a one-week nonmotorized boating**
13 **permit under section 9 of this 2017 Act is \$1.**

14 [(4)] (5) The annual fee for an operator of a boat livery is:

15 (a) \$30 for an operator who owns 6 to 10 [*manually propelled*] **nonmotorized** boats;

16 (b) \$55 for an operator who owns 11 to 20 [*manually propelled*] **nonmotorized** boats; or

17 (c) \$100 for an operator who owns 21 or more [*manually propelled*] **nonmotorized** boats.

18 **SECTION 21.** ORS 830.700 is amended to read:

19 830.700. As used in ORS 830.060 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780,
20 830.785, 830.795 to 830.820 and 830.830 to 830.870, unless the context requires otherwise:

21 (1) “Boat” means every description of watercraft used or capable of being used as a means of
22 transportation on the water, but does not include aircraft equipped to land on water, boathouses,
23 floating homes[, *air mattresses, beach and water toys or single inner tubes*] **or nonmotorized craft.**

24 (2) “Boathouse” means a covered structure on floats or piles used for the protected moorage of
25 boats.

26 (3) “Dealer” means a person who engages wholly or in part in the business of buying, selling
27 or exchanging boats, floating homes or boathouses, either outright or on conditional sale, bailment
28 lease, chattel mortgage or otherwise.

29 (4) “Floating home” means a moored structure that is secured to a pier or pilings and is used
30 primarily as a domicile and not as a boat.

31 (5) “Operate” means to navigate or otherwise use a boat on water.

32 (6) “Owner” means a person or persons who have a property interest other than a security in-
33 terest in a boat, floating home or boathouse and the right of use or possession of the boat, floating
34 house or boathouse, but does not include a lessee.

35 (7) “Ownership” means a property interest other than a security interest.

36 (8) “Security interest” means an interest reserved or created by agreement which secures pay-
37 ment or performance of an obligation as more particularly defined by ORS 71.2010 (2)(ii).

38 (9) “State of principal use” means the state on whose waters a boat is used or to be used during
39 most of a calendar year.

40
41 **CAPTIONS**

42
43 **SECTION 22.** **The unit and section captions used in this 2017 Act are provided only for**
44 **the convenience of the reader and do not become part of the statutory law of this state or**
45 **express any legislative intent in the enactment of this 2017 Act.**

OPERATIVE DATE

SECTION 23. (1) Sections 2 to 13 of this 2017 Act and the amendments to ORS 153.096, 830.005, 830.110, 830.172, 830.565, 830.570, 830.575, 830.700 and 830.990 by sections 1 and 14 to 21 of this 2017 Act become operative on January 1, 2018.

(2) The State Marine Board may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the board by sections 2 to 13 of this 2017 Act and the amendments to ORS 153.096, 830.005, 830.110, 830.172, 830.565, 830.570, 830.575, 830.700 and 830.990 by sections 1 and 14 to 21 of this 2017 Act.

EMERGENCY CLAUSE

SECTION 24. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.
