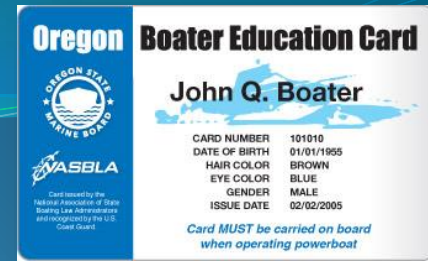


# HB 2079

## Boating Safety Laws



# HB 2079

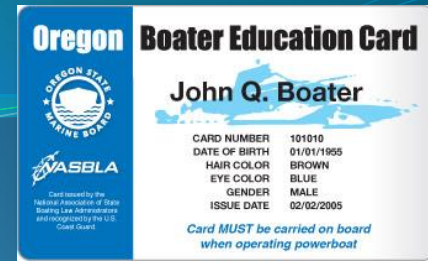


## Overview

- Allow Boater Education Card to be revoked for two violation convictions: Boating Under the Influence; Reckless Boating.
- Redefine “Recklessly” to be consistent with Motor Vehicle code.
- Reduce Life Jacket violation from Class B to Class D violation (\$265 to \$115 fine).



# HB 2079

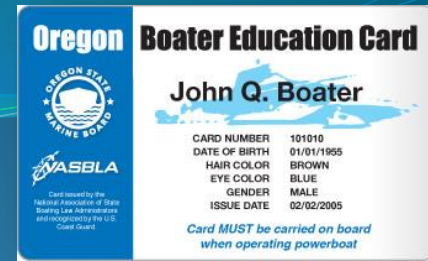


**Issue:** Boater Education Card and certain major violations.

- Boating Under the Influence of Intoxicants: 1-3 year revocation of boating privileges.
  - If a boat owner, Board suspends all registrations.
  - Suspension may affect all members of a family trust, corporation or joint ownership.
- Reckless Operation: Operator may face criminal charges but no boating restrictions.



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## Solution:

- Allow courts and Marine Board to suspend the Boater Education Card for:
  - BUII convictions
  - Reckless Boating convictions
- No longer revokes registration
- No other violations would result in suspension



# HB 2079

**Issue:** Update obsolete language in ORS 830.315  
“Reckless Boating.

- “Willful or wanton” disregard for safety is not well-defined by courts and is inconsistent with motor vehicle code.
- The Board has seen a spike in reckless operation leading to serious crashes.



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## Solution:

- Update ORS 830.315 Reckless Boating to reference ORS 161.085 definition.

*"Recklessly" ...means that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists.*

*The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.*



# HB 2079

**Issue:** Violation for “no life jacket.”

- Failure to Carry a Life Jacket: B violation at \$265
- Life jackets are the seat belts of boating safety.
- 371 citations, 760 warnings in 2018
- High dollar value limits effective application in the field



# HB 2079

## Solution:

- Change adult “no life jacket” violation from a class B to a class D violation (\$115).
- Marine enforcement officers generally agree to more broad application
- No change to “Child not wearing PFD” violation. Remains Class B at \$265.





# Questions

