

HB 2079 STAFF MEASURE SUMMARY

Carrier: Rep. Gorsek

House Committee On Natural Resources**Action Date:** 02/07/19**Action:** Do Pass.**Vote:** 7-0-0-0**Yeas:** 7 - Barreto, Gorsek, McKeown, Reardon, Smith DB, Sprenger, Witt**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Kailey Kornhauser, LPRO Analyst**Meeting Dates:** 1/31, 2/7**WHAT THE MEASURE DOES:**

Increases penalty for boating under the influence of intoxicants or reckless boating by requiring the one-year suspension of a boating safety education card by the Oregon State Marine Board (OSMB). Requires OSMB, in addition to other penalties, to suspend a boating safety education card for three years when an individual willfully refuses the request of a peace officer to submit to breath or field sobriety tests. Changes the definition of a reckless boating crime to the operation of a boat in a manner that endangers safety or property where the operator is aware of and consciously disregards substantial and unjustifiable risk. Reduces fine for failing to carry a properly fitting life jacket from a Class B violation to a Class D violation punishable by a fine of \$115 (ORS 153.019).

ISSUES DISCUSSED:

- Motor vehicle code use of the term "reckless"
- Law enforcement discretion in issuance of life jacket warnings or violations
- Child violation of life jacket law remains Class B violation
- Lack of educational safety programs for non-motorized boaters
- Differences in unsafe boating violation versus reckless boating violation
- Suspension of education card takes place after boating under the influence of intoxicants conviction

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the Oregon State Marine Board (OSMB), individuals found guilty of boating under the influence of intoxicants (BUII) are subject to having their boating privileges revoked for one to three years. There are approximately 60 BUII arrests annually in Oregon. If the person found guilty is a boat owner, the OSMB is directed to suspend the certificate number (registration) of the boat, which may impact additional owners, a trust, or a corporation not in violation of the law. In Oregon, approximately 43 percent of boats are owned by multiple entities. ORS 830.315 defines reckless boat operation as carelessly and heedlessly in willful or wanton disregard of the rights, safety, or property of others. Failure to carry a readily accessible properly fitting life jacket for every person on board a boat is currently a Class B violation with a fine of \$265.

House Bill 2079 enables courts and the OSMB to suspend a Boating Safety Education Card for one to three years for Boating Under the Influence of Intoxicants or reckless boating, updates language consistent with Oregon statute, and reduces the fine for failing to carry properly fitting life jackets aboard a boat.