

Enrolled
House Bill 2652

Sponsored by Representatives GORSEK, MCKEOWN, Senator MONNES ANDERSON; Representative BYNUM (Presession filed.)

CHAPTER

AN ACT

Relating to the use of helmets on boats; amending ORS 704.070.

Whereas this 2019 Act shall be known as the Sharon Birge Memorial Whitewater Helmet Act; and

Whereas increasing access to and availability of helmets has proven to reduce the incidence of injury and lead to safer whitewater rafting; and

Whereas the Birge family has come together to advocate for greater safety on Oregon's waterways to ensure that others can avoid tragedy and the loss of a loved one in an avoidable recreational rafting accident; now, therefore,

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

SECTION 1. ORS 704.070 is amended to read:

704.070. (1) A person who acts or offers to act as an outfitter and guide using boats to carry passengers on the waters of this state shall:

(a) Equip each nonmotorized boat that is under the direct operation of an outfitter and guide or an employee of an outfitter and guide to carry passengers on waters rated as class III or higher on a commonly accepted scale of river difficulty with a rescue throw bag, complete with a length of artificial fiber rope and a buoyant bag;

(b) On any section of waters rated as class III or higher on a commonly accepted scale of river difficulty, require that all persons physically providing outfitting and guiding services and all passengers wear a properly secured United States Coast Guard approved personal flotation device of a type prescribed by rules adopted by the State Marine Board;

(c) If the outfitter and guide operates nonmotorized boats carrying passengers on any section of waters rated as class III or higher on a commonly accepted scale of river difficulty, require that all persons physically providing outfitting and guiding services:

(A) Prior to providing the services, have completed at least one trip on that section of waters in a nonmotorized boat; and

(B) Have been trained in equipment preparation and boat rigging, understanding and recognizing river characteristics and hazards, methods of scouting rapids, methods of physically guiding boats through rapids, proper client communication, how to provide paddling and safety instruction and methods of river rescue techniques, including emergency procedures and equipment recovery; *[and]*

(d) If the outfitter and guide is a charter guide, ensure that the vessel used to carry passengers complies with the equipment requirements for charter vessels under ORS 830.450[.]; **and**

(e) On any section of waters rated as class III or higher on a commonly accepted scale of river difficulty, rent, sell or otherwise make available to all passengers helmets that meet the standards established by the board by rule.

(2) Subsection (1)(b) of this section does not apply to motorized boats that are inspected by the United States Coast Guard.

Passed by House February 21, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 16, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State