

Senate Bill 1590

Sponsored by Senators MEEK, SMITH DB, Representatives BYNUM, ELMER; Senators MANNING JR, WOODS, Representatives BOICE, HIEB, RUIZ (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act repeals laws related to boats and towed sports. The Act changes laws about boating safety education. The Act goes into effect 91 days after the session ends. (Flesch Readability Score: 65.7).

Repeals provisions related to the towed watersports program.

Provides that the minimum standard for boating safety education must include instruction relating to towed watersports safety education.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to boats; creating new provisions; amending ORS 830.084, 830.110 and 830.990; repealing
3 ORS 830.640, 830.643, 830.646, 830.649, 830.652 and 830.655 and section 4, chapter 119, Oregon
4 Laws 2022; and prescribing an effective date.

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

6 **SECTION 1. (1) ORS 830.640, 830.643, 830.646, 830.649, 830.652 and 830.655 are repealed.**

7 **(2) Section 4, chapter 119, Oregon Laws 2022, is repealed.**

8 **SECTION 2. ORS 830.084 is amended to read:**

9 830.084. In establishing the mandatory boating safety education program pursuant to ORS
10 830.082, the State Marine Board shall:

11 (1) Set a minimum standard of boating safety education. The minimum standard shall be con-
12 sistent with the applicable standard established or approved by the National Association of State
13 Boating Law Administrators **and include instruction relating to towed watersports safety edu-**
14 **cation.** The board by rule may update the minimum standard as necessary.

15 (2) Create a boating safety course and examination designed to educate and test for the mini-
16 mum standard established pursuant to subsection (1) of this section.

17 (3) Create an equivalency exam that may substitute for taking the boating safety course.

18 (4) Incorporate volunteer boating safety education programs to the maximum extent possible.

19 (5) Allow use of commercially provided boating safety courses, provided the courses meet the
20 standard adopted by the board.

21 (6) Accept proof of prior completion of any approved boating safety course as meeting the re-
22 quirement for a boating safety course.

23 (7) Establish a fee for the boating safety education card issued under ORS 830.086 that may not
24 exceed \$20.

25 (8) Promote the fact that insurance discounts of 10 percent to 15 percent are widely available
26 for taking a boating safety course that meets the minimum standard established pursuant to sub-
27 section (1) of this section.

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 **SECTION 3.** ORS 830.110 is amended to read:

2 830.110. In addition to the powers and duties otherwise provided in this chapter, the State Ma-
3 rine Board shall have the power and duty to:

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

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

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

11 (4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.565 to
12 830.575, 830.630, [830.640 to 830.649,] 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785,
13 830.795 to 830.820 and 830.830 to 830.870.

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

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

18 (7) Publicize the advantage of safe boating.

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

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

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

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

27 (10) Appoint and require the bonding of agents to issue a temporary permit to operate a boat.
28 In addition to the prescribed fees, the agents may charge a fee prescribed by the board for their
29 services in issuing the temporary permit. Every three years the board shall issue an order revising
30 the fee imposed under this subsection on January 1, based on changes in the Consumer Price Index
31 for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics
32 of the United States Department of Labor. The board shall round the amount of the fee to the
33 nearest half-dollar. The revised fee takes effect on January 1 and applies for the following three
34 years.

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

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

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

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

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

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

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

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

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

12 (18) Adopt rules providing for establishment of a Safe Boating Education Course to be made
13 available to courts and law enforcement agencies within this state for use as a sentencing option
14 for those individuals convicted of boating offenses. The board shall specify the content of the Safe
15 Boating Education Course and shall prescribe procedures for making the course available to local
16 courts and law enforcement agencies, including procedures for promptly notifying such courts
17 whether individuals required to enroll in the course have taken and successfully passed the course.
18 Such rules may provide for administration of the course through nonprofit organizations, such as the
19 United States Coast Guard Auxiliary, United States Power Squadrons or similar groups.

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

22 **SECTION 4.** ORS 830.990 is amended to read:

23 830.990. (1) Violation of ORS 830.302 by a person operating a motorboat or violation of ORS
24 830.565 by a person operating a sailboat that is at least 12 feet in length or a motorboat is a Class
25 D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.302 or
26 830.565 by a person operating a motorboat is \$50.

27 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.215, 830.230,
28 830.415, 830.624, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to
29 carry out the purposes of those statutes, commits a Class D violation.

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

33 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
34 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350, 830.355,
35 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.425, 830.495, 830.560, [830.649,] 830.775, 830.795
36 or 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

37 (5) A person who violates ORS 830.305, 830.390 or 830.944, or rules adopted to carry out the
38 purposes of those statutes, commits a Class A violation.

39 [(6)(a) Notwithstanding subsection (4) of this section, a person who violates ORS 830.649 and has
40 one or more prior convictions for violation of ORS 830.649 within a three-year period preceding the
41 date of the person's current conviction, commits a Class A violation.]

42 [(b) In addition to the penalty imposed under this subsection, the court shall:]

43 [(A) Order the person not to operate a boat for a period of one year; and]

44 [(B) Order the person to complete a boating safety course approved by the State Marine Board.]

45 [(7)] (6) A person who violates ORS 830.591 commits a Class C misdemeanor.

1 [(8)] (7) A person who violates ORS 830.383 commits a Class B misdemeanor.

2 [(9)] (8) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730
3 or 830.955 (1) commits a Class A misdemeanor.

4 [(10)] (9) A person who violates ORS 830.475 (2) commits a Class C felony.

5 **SECTION 5. The amendments to ORS 830.990 by section 4 of this 2024 Act and the repeal**
6 **of statutes by section 1 of this 2024 Act:**

7 (1) **Apply to conduct constituting, or alleged to constitute, an offense occurring on or**
8 **after the effective date of this 2024 Act.**

9 (2) **Do not affect proceedings based on conduct constituting, or alleged to constitute, an**
10 **offense occurring before the effective date of this 2024 Act.**

11 (3) **Do not release or extinguish any penalty incurred under the statutes repealed by**
12 **section 1 of this 2024 Act. The statutes repealed by section 1 of this 2024 Act remain in force**
13 **for the purpose of maintaining an action or prosecution for the enforcement of such a pen-**
14 **alty.**

15 (4) **Do not relieve a person of any obligation with respect to a fine, penalty, liability or**
16 **other duty or obligation accruing under the statutes repealed by section 1 of this 2024 Act.**
17 **After the effective date of this 2024 Act, a court may undertake the collection or enforce-**
18 **ment of such fine, penalty or other liability, duty or obligation.**

19 **SECTION 6. This 2024 Act takes effect on the 91st day after the date on which the 2024**
20 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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