

A-Engrossed House Bill 2558

Ordered by the House March 6
Including House Amendments dated March 6

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act redefines "charter guide" and defines "crew member." The Act says folks must register with SMB before acting as a crew member. The Act ups the fee for all outfitters and guides, but the fee does not change until November. The Act becomes law 91 days after sine die. (Flesch Readability Score: 79.4).

[Digest: The Act redefines "charter guide." The Act ups the fee for all outfitters and guides, but the fee does not change until November. The Act becomes law 91 days after sine die. (Flesch Readability Score: 82.3).]

Modifies the definition of "charter guide" for purposes of outfitter and guide laws.

Requires a person to register with the State Marine Board before acting as a crew member. Defines "crew member" for the purposes of outfitter and guide laws.

Increases the registration fee for all outfitters and guides. Becomes operative November 1, 2025. Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to activities regulated by the State Marine Board; creating new provisions; amending ORS
3 704.010, 704.020, 704.035, 704.040 and 704.900; and prescribing an effective date.

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

5 **SECTION 1.** ORS 704.010 is amended to read:

6 704.010. As used in this chapter:

7 *[(1) "Charter guide" means an individual who:]*

8 *[(a) Carries passengers for hire for outdoor recreational activities on the waters of the Pacific*
9 *Ocean over which the State of Oregon has jurisdiction;]*

10 *[(b) Carries passengers for hire for outdoor recreational activities on the waters of the Columbia*
11 *River below the Astoria-Megler Bridge downstream to the waters of the Pacific Ocean; and]*

12 *[(c) Possesses a valid United States Coast Guard operator license.]*

13 **(1) "Charter guide" means an outfitter and guide who:**

14 **(a) Possesses a valid United States Coast Guard operator license; and**

15 **(b) Carries no more than six passengers for hire for outdoor recreational activities on**
16 **federally navigable waterways.**

17 **(2) "Crew member" means an employee who:**

18 **(a) Assists with angling activities, or in the operation of watercraft used for angling,**
19 **while aboard a boat;**

20 **(b) Works under the direct supervision of a charter guide, or of an outfitter and guide,**
21 **who is physically present and in direct communication with the crew member; and**

22 **(c) Is registered with the State Marine Board as a crew member under section 5 of this**

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 **2025 Act.**

2 [(2)] (3) "Employee" means an individual who, in exchange for compensation or monetary gain,
3 provides outfitting and guiding services under the direction, supervision and control of an outfitter
4 and guide or a charter guide.

5 [(3)] (4) "Outdoor recreational activities" includes, but is not limited to, boating, angling, hunt-
6 ing, jeep touring, backpacking, alpine mountain climbing, camping, trips utilizing pack animals, dog
7 sled trips, whitewater float trips, rafting trips, drift boat trips, kayak trips, inflatable canoe trips and
8 canoe trips, the duration of which may be for a few hours or for several days or weeks.

9 [(4)(a)] (5)(a) "Outfitter and guide" means any person:

10 (A) Who, for compensation or monetary gain, provides, offers to provide or advertises the pro-
11 vision of:

12 (i) Outfitting and guiding services in this state; or

13 (ii) Outfitting and guiding services and either equipment, supplies, livestock or materials for use
14 in this state; or

15 (B) Who holds one or more federal special use permits for commercial outfitting and guiding
16 services for use in any forest or wilderness or on any waterway in this state.

17 (b) "Outfitter and guide" does not include:

18 (A) An individual who, for compensation or monetary gain, provides outfitting and guiding ser-
19 vices for the conduct of outdoor recreational activities exclusively upon property owned or con-
20 trolled by the individual; or

21 (B) An employee of an outfitter and guide, unless the employee conducts, leads or assists in
22 angling activities or operates or assists in the operation of watercraft used for angling.

23 [(5)(a)] (6)(a) "Outfitting and guiding services" includes, but is not limited to, leading, protect-
24 ing, instructing, training, cooking, packing, guiding, transporting, supervising, interpreting or oth-
25 erwise assisting any person in the conduct of outdoor recreational activities.

26 (b) "Outfitting and guiding services" does not include the rental of equipment alone.

27 **SECTION 2.** ORS 704.020 is amended to read:

28 704.020. (1) Any person who acts or offers to act as an outfitter and guide [*must*] **shall** first
29 register with the State Marine Board. Each registration shall be submitted annually on a form pro-
30 vided by the board and shall include the following information:

31 (a) The name, residence address and telephone number of the person providing outfitting and
32 guiding services, and all business names, addresses and telephone numbers under which outfitting
33 and guiding services are provided.

34 (b) Proof that the business under which outfitting and guiding services are provided has regis-
35 tered with the Secretary of State.

36 (c) If the outfitting and guiding services are to be performed in the business name of an indi-
37 vidual, proof that the outfitter and guide is certified to give first aid, as determined by the board
38 by rule.

39 (d) If the outfitting and guiding services are to be performed in the business name of a person
40 other than an individual, a list of the names of all employees, agents and parties in interest who
41 physically provide, or who directly assist in physically providing, outfitting and guiding services in
42 this state, together with the affidavit of the outfitter and guide that each such employee, agent or
43 party in interest is certified to give first aid, as determined by the board by rule.

44 (e) If the outfitter and guide is carrying passengers for hire on waterways determined to be
45 navigable by the United States Coast Guard, proof that the person or an individual employed by the

1 person has a valid United States Coast Guard operator license.

2 (f) A description of:

3 (A) The outfitting and guiding services and any equipment, supplies, livestock and materials
4 provided by the outfitter and guide;

5 (B) The geographic area in which the outfitter and guide provides the outfitting and guiding
6 services and the equipment, supplies, livestock and materials; and

7 (C) The experience of the outfitter and guide in providing the outfitting and guiding services and
8 the equipment, supplies, livestock and materials.

9 (g) Proof that the outfitter and guide has liability insurance covering occurrences by the out-
10 fitter and guide, and the employees of the outfitter and guide, which result in bodily injury or
11 property damage. To meet the requirement under this paragraph, insurance must provide combined
12 single limit per occurrence general liability coverage of at least \$500,000.

13 (h) Certification by the outfitter and guide that the outfitter and guide will maintain the insur-
14 ance required by paragraph (g) of this subsection continuously and in full force and effect for a pe-
15 riod of time to be determined by the board by rule.

16 (i) The affidavit of the outfitter and guide stating that for a period of not less than 24 months
17 immediately prior to making the registration application the outfitter and guide and each person
18 who provides or assists in directly providing outfitting and guiding services:

19 (A) Have not been convicted of:

20 (i) A felony or misdemeanor related to the provision of services regulated by this chapter;

21 (ii) A violation under this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or
22 830 or any rule adopted pursuant to ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830;

23 (iii) A violation of the wildlife laws that occurred while acting as an outfitter and guide and that
24 resulted in court-ordered revocation of the hunting or fishing license of the outfitter and guide;

25 (iv) A crime involving delivery, manufacture or possession of a controlled substance, as defined
26 in ORS 475.005; or

27 (v) Assault in any degree, criminal homicide as defined in ORS 163.005 or kidnapping in any
28 degree;

29 (B) Have not had an outfitting and guiding license, permit or certificate revoked, suspended or
30 canceled by another state or by an agency of the government of the United States;

31 (C) Have not been denied the right to apply for an outfitting and guiding license, permit or
32 certificate by another state or by an agency of the government of the United States; and

33 (D) Have not been convicted of guiding without registration as required by this subsection.

34 (j) The affidavit of the outfitter and guide stating that the outfitter and guide and each person
35 who provides or assists in directly providing outfitting and guiding services have not been convicted
36 of:

37 (A) A crime, the result of which prohibits the person from possessing a firearm; or

38 (B) A crime, the result of which requires the person to be registered as a sex offender under
39 ORS 163A.010, 163A.015, 163A.020 or 163A.025.

40 (2)(a) In addition to the requirements of subsection (1) of this section, a person who acts or of-
41 fers to act as an outfitter and guide using boats that are under the direct operation of an outfitter
42 and guide or an employee of an outfitter and guide for the purpose of carrying passengers on the
43 waters of this state must submit proof:

44 (A) If operating a motorboat on the waters of this state, that the outfitter and guide:

45 (i) Has passed a written test adopted by the board by rule;

1 (ii) Has participated in a drug and alcohol program as defined by the board by rule; and

2 (iii) Has completed a physical examination every five years as required by the board by rule.

3 (B) Of liability insurance in a form prescribed by the board by rule.

4 (b) A person is exempt from paragraph (a)(A) of this subsection if the person is operating a
5 motorboat on waters of this state determined to be navigable by the United States Coast Guard and
6 the person possesses a valid United States Coast Guard operator license.

7 (3)(a) A person who registers as an outfitter and guide and who accepts deposits from clients in
8 excess of \$100 per person shall submit a bond or other financial security in the amount of \$5,000 to
9 the board at the time of registration. The bond or other financial security shall be held by the board
10 for the benefit of clients of the outfitter and guide who pay a money deposit to the outfitter and
11 guide in anticipation of services to be received. The bond or other financial security amount shall
12 be released to such client or clients conditioned upon a failure of the outfitter and guide to return
13 the deposit following cancellation of services or other failure to provide agreed upon services.

14 (b) The board shall release or retain all or any portion of a bond or other financial security as
15 described in paragraph (a) of this subsection according to the provisions of ORS chapter 183.

16 *[(4) Each annual registration shall be accompanied by a fee as follows:]*

17 *[(a) For resident persons, \$150.]*

18 *[(b) For nonresident persons who reside in a state that requires residents of this state to pay a li-*
19 *cence fee, registration fee or other fee or charge in excess of \$150 to act as an outfitter and guide in*
20 *that state, the same fee or other charge as is charged the residents of this state to act as an outfitter*
21 *and guide in the state where the nonresident applicant resides. If the state in which such a nonresident*
22 *applicant resides makes distinctions in fees or charges based on the type of outfitter and guide service*
23 *performed and requires residents of this state to pay fees or charges accordingly, the board shall make*
24 *and apply those same distinctions and require the nonresident applicants to pay the corresponding fees*
25 *or charges.]*

26 *[(c) For nonresident persons other than those referred to in paragraph (b) of this subsection,*
27 *\$150.]*

28 **(4) Each outfitter and guide shall pay to the board an annual registration fee, as follows:**

29 **(a) For a charter guide, \$500.**

30 **(b) For an outfitter and guide, who is not otherwise a charter guide, \$350.**

31 (5) Upon the submission to the board of the appropriate fees prescribed in this section and the
32 registration information required by this section, the board shall issue to the applicant a certificate
33 of registration. The board shall also issue to each registrant proof of compliance with the require-
34 ments of this section.

35 (6) A person who conducts sightseeing flights or other aircraft operations is exempt from the
36 provisions of this section unless the activities conducted by the person are outdoor recreational
37 activities as defined in ORS 704.010.

38 (7) The board shall issue an identifying decal to outfitters and guides registering under this
39 section that may be displayed on vehicles, pack equipment or other suitable locations where cus-
40 tomers can see the registration decal.

41 (8) A certificate of registration issued to an outfitter and guide under this section expires on
42 December 31 of each calendar year or on such date as may be specified by board rule.

43 **SECTION 3.** ORS 704.900 is amended to read:

44 704.900. (1) In addition to any other penalty provided by law, the State Marine Board may im-
45 pose a civil penalty for failure to comply with ORS 704.020, 704.021, 704.065 or 704.070 or for vio-

1 lation of ORS 704.030.

2 (2) Any civil penalty under this section shall be imposed in the manner provided by ORS 183.745.

3 (3) Notwithstanding ORS 183.745, the person to whom the notice is addressed shall have 30 days
4 from the date of service of the notice in which to make written application for a hearing before the
5 board.

6 (4) The board shall adopt rules implementing these provisions, including a schedule of civil
7 penalties. The civil penalty for each violation shall not exceed [~~\$500~~] **\$1,000**.

8 (5) A civil penalty imposed under this section may be remitted or reduced upon such terms and
9 conditions as the board considers proper and consistent with the public health and safety.

10 (6)(a) In imposing a penalty pursuant to the schedule adopted pursuant to this section, the board
11 shall consider the following factors:

12 (A) Any prior violations of ORS 704.020, 704.021, 704.030, 704.065 or 704.070.

13 (B) The immediacy and extent to which the violation threatens the public health or safety.

14 (b) The penalty imposed under this section may be remitted or mitigated upon such terms and
15 conditions as the board determines to be proper and consistent with the public benefit. Upon the
16 request of the person incurring the penalty, the board shall consider evidence of the economic and
17 financial conditions of the person in determining whether a penalty shall be remitted or mitigated.

18 (7) All penalties recovered under this section shall be paid into the State Treasury and credited
19 to the Outfitters and Guides Account.

20 **SECTION 4. Section 5 of this 2025 Act is added to and made a part of ORS chapter 704.**

21 **SECTION 5. (1) A person may not act as a crew member without first registering with**
22 **the State Marine Board. Each applicant shall submit the application on a form provided by**
23 **the board and shall include the following:**

24 (a) **The name, residence address, date of birth and telephone number of the applicant;**

25 (b) **All names, business names, addresses and telephone numbers of the applicant's em-**
26 **ployer;**

27 (c) **Proof that the crew member is certified to give first aid and cardiopulmonary resus-**
28 **citation, as determined by the board by rule; and**

29 (d) **An affidavit stating that, for a period of not less than 24 months immediately prior**
30 **to making the registration application, the applicant has not been convicted of an offense**
31 **listed in ORS 704.020 (1)(i) and (j).**

32 (2) **The board may issue either an annual crew member registration or a biennial crew**
33 **member registration under this section.**

34 (3) **The board by rule shall establish procedures to renew a crew member registration**
35 **issued under this section. The rules must specify the duration of a renewed crew member**
36 **registration.**

37 (4) **Each application for issuance and each renewal of registration must be accompanied**
38 **by a fee of \$50 per year of registration.**

39 **SECTION 6.** ORS 704.035 is amended to read:

40 704.035. (1) The State Marine Board shall provide an opportunity for hearing as required by ORS
41 chapter 183 when the board proposes to:

42 (a) Deny issuance or renewal of an outfitter and guide registration **or a crew member regis-**
43 **tration;**

44 (b) Revoke or suspend [~~a~~] **an outfitter and guide registration or a crew member**
45 **registration; or**

1 (c) Reprimand an outfitter and guide **or a crew member**.

2 (2) Any person aggrieved by a decision of the board under this chapter is entitled to judicial
3 review of the decision in accordance with the procedure for contested cases provided by ORS
4 chapter 183.

5 **SECTION 7.** ORS 704.040 is amended to read:

6 704.040. (1) The Legislative Assembly finds that violation of fire prevention, wildlife, hunting,
7 angling, trapping, commercial fishing, recreational boating or public safety laws is directly related
8 to the fitness required for registration as an outfitter and guide **or as a crew member**.

9 (2) When a person is convicted of a felony or misdemeanor related to the provision of services
10 regulated by this chapter, a violation of ORS 704.020 or 704.030 or ORS chapter 477, 496, 497, 498,
11 501, 506, 508, 509, 511 or 830, or any rule promulgated pursuant to ORS 704.500 or ORS chapter 477,
12 496, 497, 498, 501, 506, 508, 509, 511 or 830, the court having jurisdiction of the offense may order
13 the State Marine Board to revoke the certificate of registration issued to that person pursuant to
14 ORS 704.020 **or section 5 of this 2025 Act**.

15 (3) When a court orders revocation of a certificate of registration pursuant to this section, the
16 court shall take up the certificate of registration and forward it with a copy of the revocation order
17 to the board. Upon receipt thereof, the board shall cause revocation of the certificate of registration
18 in accordance with the court order.

19 (4) Except as provided in subsection (6) of this section, the board, in its discretion, may
20 reprimand an outfitter and guide **or a crew member, or may** suspend for up to 60 months, revoke
21 or deny the registration of an outfitter and guide **or of a crew member**, for any of the following,
22 **as applicable**:

23 (a) Conviction of a felony or misdemeanor related to the provision of services regulated by this
24 chapter.

25 (b) Any serious or repeated violation of this chapter or ORS chapter 477, 496, 497, 498, 501, 506,
26 508, 509, 511 or 830 or any rule adopted pursuant to ORS chapter 477, 496, 497, 498, 501, 506, 508,
27 509, 511 or 830.

28 (c) Any serious or repeated violation of the fish and wildlife laws or regulations of the federal
29 government or of another state for committing or omitting acts that, if committed or omitted in this
30 state, would be a violation of ethical or professional standards established pursuant to this chapter.
31 A certified copy of the record of suspension or revocation of the state making such suspension or
32 revocation is conclusive evidence thereof.

33 (d) Having [*an outfitter and guide*] **a** registration, license, permit or certificate **of the outfitter**
34 **and guide, or of the crew member**, suspended, revoked, canceled or denied by another state or
35 by an agency of the United States for committing or omitting acts that, if committed or omitted in
36 this state, would be a violation of ethical or professional standards established pursuant to this
37 chapter. A certified copy of the record of suspension or revocation of the state making such sus-
38 pension or revocation is conclusive evidence thereof.

39 (e) Having a United States Coast Guard vessel operator license revoked, suspended or canceled
40 by the United States Coast Guard for committing or omitting acts that if committed or omitted in
41 this state would be a violation of standards established pursuant to this chapter. A certified copy
42 of the record of revocation, suspension or cancellation from the United States Coast Guard is con-
43 clusive evidence thereof.

44 (f) Engaging in fraudulent, untruthful or seriously misleading advertising in the conduct of the
45 outfitting and guiding services.

1 (g) Conviction of a crime involving delivery, manufacture or possession of a controlled sub-
2 stance, as defined in ORS 475.005.

3 (h) Conviction of assault in any degree, criminal homicide as defined in ORS 163.005 or kidnap-
4 ping in any degree.

5 (5) The board shall revoke the registration of an outfitter and guide **or crew member** for:

6 (a) Conviction of a crime, the result of which prohibits the person from possessing a firearm;
7 or

8 (b) Conviction of a crime, the result of which requires the person to be registered as a sex
9 offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025.

10 (6) The board may deny, for any period, the registration of an outfitter and guide **or crew**
11 **member** if:

12 (a) The outfitter and guide, **the crew member** or any person who provides or assists the out-
13 fitter and guide in directly providing outfitting and guiding services has had a certificate of regis-
14 tration revoked pursuant to a court order under this section for conviction of a violation of ORS
15 chapter 496, 497, 498 or 501, or any rule adopted pursuant to ORS chapter 496, 497, 498 or 501; and

16 (b) The violation described in paragraph (a) of this subsection involved the unlawful taking or
17 killing of wildlife with a culpable mental state as provided for in ORS 496.992.

18 (7) The board shall adopt rules to implement subsections (4) to (6) of this section, including rules
19 that describe conduct that is a serious or repeated violation of a law, rule or regulation.

20 **SECTION 8. (1) Section 5 of this 2025 Act and the amendments to ORS 704.020 by section**
21 **2 of this 2025 Act apply to fees imposed on or after November 1, 2025.**

22 **(2) The amendments to ORS 704.900 by section 3 of this 2025 Act apply to civil penalties**
23 **imposed on or after the effective date of this 2025 Act.**

24 **SECTION 9. (1) Section 5 of this 2025 Act and the amendments to ORS 704.010, 704.020,**
25 **704.035 and 704.040 by sections 1, 2, 6 and 7 of this 2025 Act become operative on November**
26 **1, 2025.**

27 **(2) The State Marine Board may adopt rules and take any other action before the oper-**
28 **ative date specified in subsection (1) of this section that is necessary to enable the board to**
29 **undertake and exercise, on and after the operative date specified in subsection (1) of this**
30 **section, all of the duties, functions and powers conferred on the board by section 5 of this**
31 **2025 Act and the amendments to ORS 704.010, 704.020, 704.035 and 704.040 by sections 1, 2, 6**
32 **and 7 of this 2025 Act.**

33 **SECTION 10. This 2025 Act takes effect on the 91st day after the date on which the 2025**
34 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

35