

HOUSE AMENDMENTS TO HOUSE BILL 2558

By COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND
WATER

March 6

- 1 On page 1 of the printed bill, line 3, after “704.020” insert “, 704.035, 704.040”.
- 2 Delete lines 5 through 28.
- 3 On page 2, delete lines 1 through 13 and insert:
- 4 “**SECTION 1.** ORS 704.010 is amended to read:
- 5 “704.010. As used in this chapter:
- 6 “[*(1) ‘Charter guide’ means an individual who:*
- 7 “[*(a) Carries passengers for hire for outdoor recreational activities on the waters of the Pacific*
- 8 *Ocean over which the State of Oregon has jurisdiction;*]
- 9 “[*(b) Carries passengers for hire for outdoor recreational activities on the waters of the Columbia*
- 10 *River below the Astoria-Megler Bridge downstream to the waters of the Pacific Ocean; and*]
- 11 “[*(c) Possesses a valid United States Coast Guard operator license.*]
- 12 “**(1) ‘Charter guide’ means an outfitter and guide who:**
- 13 “**(a) Possesses a valid United States Coast Guard operator license; and**
- 14 “**(b) Carries no more than six passengers for hire for outdoor recreational activities on**
- 15 **federally navigable waterways.**
- 16 “**(2) ‘Crew member’ means an employee who:**
- 17 “**(a) Assists with angling activities, or in the operation of watercraft used for angling,**
- 18 **while aboard a boat;**
- 19 “**(b) Works under the direct supervision of a charter guide, or of an outfitter and guide,**
- 20 **who is physically present and in direct communication with the crew member; and**
- 21 “**(c) Is registered with the State Marine Board as a crew member under section 5 of this**
- 22 **2025 Act.**
- 23 “[*(2)*] **(3) ‘Employee’ means an individual who, in exchange for compensation or monetary gain,**
- 24 **provides outfitting and guiding services under the direction, supervision and control of an outfitter**
- 25 **and guide or a charter guide.**
- 26 “[*(3)*] **(4) ‘Outdoor recreational activities’ includes, but is not limited to, boating, angling, hunt-**
- 27 **ing, jeep touring, backpacking, alpine mountain climbing, camping, trips utilizing pack animals, dog**
- 28 **sled trips, whitewater float trips, rafting trips, drift boat trips, kayak trips, inflatable canoe trips and**
- 29 **canoe trips, the duration of which may be for a few hours or for several days or weeks.**
- 30 “[*(4)(a)*] **(5)(a) ‘Outfitter and guide’ means any person:**
- 31 “**(A) Who, for compensation or monetary gain, provides, offers to provide or advertises the pro-**
- 32 **vision of:**
- 33 “**(i) Outfitting and guiding services in this state; or**
- 34 “**(ii) Outfitting and guiding services and either equipment, supplies, livestock or materials for**
- 35 **use in this state; or**

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

3 “(b) ‘Outfitter and guide’ does not include:

4 “(A) An individual who, for compensation or monetary gain, provides outfitting and guiding
5 services for the conduct of outdoor recreational activities exclusively upon property owned or con-
6 trolled by the individual; or

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

9 “[5](a)] (6)(a) ‘Outfitting and guiding services’ includes, but is not limited to, leading, protect-
10 ing, instructing, training, cooking, packing, guiding, transporting, supervising, interpreting or oth-
11 erwise assisting any person in the conduct of outdoor recreational activities.

12 “(b) ‘Outfitting and guiding services’ does not include the rental of equipment alone.”.

13 On page 4, delete lines 15 through 18 and insert:

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

15 “(a) For a charter guide, \$500.

16 “(b) For an outfitter and guide, who is not otherwise a charter guide, \$350.”.

17 On page 5, delete lines 8 through 20 and insert:

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

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

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

23 “(b) **All names, business names, addresses and telephone numbers of the applicant’s em-**
24 **ployer;**

25 “(c) **Proof that the crew member is certified to give first aid and cardiopulmonary re-**
26 **suscitation, as determined by the board by rule; and**

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

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

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

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

37 “**SECTION 6.** ORS 704.035 is amended to read:

38 “704.035. (1) The State Marine Board shall provide an opportunity for hearing as required by
39 ORS chapter 183 when the board proposes to:

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

42 “(b) Revoke or suspend [a] **an outfitter and guide registration or a crew member**
43 **registration;** or

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

45 “(2) Any person aggrieved by a decision of the board under this chapter is entitled to judicial

1 review of the decision in accordance with the procedure for contested cases provided by ORS
2 chapter 183.

3 “**SECTION 7.** ORS 704.040 is amended to read:

4 “704.040. (1) The Legislative Assembly finds that violation of fire prevention, wildlife, hunting,
5 angling, trapping, commercial fishing, recreational boating or public safety laws is directly related
6 to the fitness required for registration as an outfitter and guide **or as a crew member.**

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

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

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

21 “(a) Conviction of a felony or misdemeanor related to the provision of services regulated by this
22 chapter.

23 “(b) Any serious or repeated violation of this chapter or ORS chapter 477, 496, 497, 498, 501, 506,
24 508, 509, 511 or 830 or any rule adopted pursuant to ORS chapter 477, 496, 497, 498, 501, 506, 508,
25 509, 511 or 830.

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

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

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

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

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

1 “(h) Conviction of assault in any degree, criminal homicide as defined in ORS 163.005 or kid-
2 napping in any degree.

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

4 “(a) Conviction of a crime, the result of which prohibits the person from possessing a firearm;
5 or

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

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

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

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

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

18 “**SECTION 8. (1) Section 5 of this 2025 Act and the amendments to ORS 704.020 by section**
19 **2 of this 2025 Act apply to fees imposed on or after November 1, 2025.**

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

22 “**SECTION 9. (1) Section 5 of this 2025 Act and the amendments to ORS 704.010, 704.020,**
23 **704.035 and 704.040 by sections 1, 2, 6 and 7 of this 2025 Act become operative on November**
24 **1, 2025.**

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

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

33