

LC 584
2017 Regular Session
25000-001
8/30/16 (HE/ps)

D R A F T

SUMMARY

Directs State Marine Board to create Nonmotorized Boating Program.
Defines “nonmotorized boat” and “nonmotorized craft.”

Establishes Nonmotorized Boating Program Fund.

Requires person using nonmotorized craft on river or stream to wear life jacket. Punishes by maximum fine of \$30.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to small watercraft; creating new provisions; amending ORS 153.096, 830.005, 830.110, 830.172, 830.565, 830.570, 830.575, 830.700 and 830.990; and declaring an emergency.

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

DEFINITIONS

SECTION 1. ORS 830.005 is amended to read:

830.005. As used in this chapter, unless the context requires otherwise:

(1) “Board” means the State Marine Board.

(2) “Boat” means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes[, *air mattresses, beach and water toys or single inner tubes*] **or non-motorized craft.**

(3) “Boating offense” means violation of any provision of law that is made a crime or violation under the provisions of this chapter.

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 (4) "In flight" means from the moment a seaplane starts its takeoff run
2 until the end of a normal power-off landing run.

3 (5) "Length" means the length of a boat measured from end to end over
4 the deck excluding sheer.

5 (6) "Motorboat" means any boat propelled in whole or in part by ma-
6 chinery, including boats temporarily equipped with detachable motors.

7 (7) "Navigable waters of the United States" means those waters of the
8 United States, including the territorial seas adjacent thereto, the general
9 character of which is navigable, and that, either by themselves or by uniting
10 with other waters, form a continuous waterway on which boats or vessels
11 may navigate or travel between two or more states, or to and from foreign
12 nations.

13 (8) **"Nonmotorized boat" means a boat that is not propelled by ma-**
14 **chinery.**

15 (9)(a) **"Nonmotorized craft" means an object, other than a boat,**
16 **that is capable of supporting a person on the water and that is not**
17 **propelled by machinery.**

18 (b) **"Nonmotorized craft" includes, but is not limited to, single inner**
19 **tubes, air mattresses, pool toys, surfboards and body boards.**

20 [(8)] (10) "Operate" means to navigate or otherwise use a boat.

21 [(9)] (11) "Operator of a boat livery" means any person who is engaged
22 wholly or in part in the business of chartering or renting boats to other
23 persons.

24 [(10)] (12) "Passenger" means every person on board a boat who is not the
25 master, operator, crew member or other person engaged in any capacity in
26 the business of the boat.

27 [(11)] (13) "Peace officer" includes a member of the Oregon State Police,
28 a sheriff or deputy sheriff, a city police officer, an authorized tribal police
29 officer as defined in ORS 181A.680, and a police officer commissioned by a
30 university under ORS 352.121 or 353.125.

31 [(12)] (14) "State waters" means those waters entirely within the confines

1 of this state that have not been declared navigable waters of the United
2 States.

3 [(13)] (15) “Waters of this state” means all waters within the territorial
4 limits of this state, the marginal sea adjacent to this state and the high seas
5 when navigated as part of a journey or ride to or from the shore of this state.
6

7 **NONMOTORIZED BOATING PROGRAM**

8
9 **SECTION 2. Sections 3 to 13 of this 2017 Act are added to and made**
10 **a part of ORS chapter 830.**

11 **SECTION 3. Nonmotorized Boating Program. (1) The Nonmotorized**
12 **Boating Program is created, to be administered by the State Marine**
13 **Board as provided in sections 3 to 13 of this 2017 Act. The purpose of**
14 **the program is to provide education about nonmotorized boat use, to**
15 **provide safety enforcement of boating regulations for nonmotorized**
16 **boat operators and nonmotorized craft users and to provide safe access**
17 **to the waters of this state for nonmotorized boat use.**

18 (2) The board shall adopt rules to administer and implement the
19 program under sections 3 to 13 of this 2017 Act.

20 **SECTION 4. Nonmotorized Boating Education Program. (1) As used**
21 **in this section, “nonprofit organization” means an organization de-**
22 **scribed in section 501(c)(3) or (4) of the Internal Revenue Code that is**
23 **exempt from income tax under section 501(a) of the Internal Revenue**
24 **Code.**

25 (2) As part of the Nonmotorized Boating Program created under
26 section 3 of this 2017 Act, the State Marine Board shall establish a
27 voluntary nonmotorized boating education program. In establishing
28 the nonmotorized boating education program, the board shall:

29 (a) Create a course of instruction and examination for nonmotor-
30 ized boat operators, designed to educate and test operators on the
31 minimum standards of safety and competency established pursuant to

1 paragraph (b) of this subsection; and

2 (b) Set minimum standards of safety education competency for be-
3 ginning level operators of nonmotorized boats, which must include
4 classroom and on-water competencies.

5 (3) The board may:

6 (a) Issue grants, as provided in section 10 of this 2017 Act, to
7 nonprofit organizations to assist the nonprofit organizations in pro-
8 viding education about nonmotorized boat use.

9 (b) Approve the use of commercially provided safety courses for
10 nonmotorized boat operators if the courses meet the standards estab-
11 lished by the board under this section.

12 (4) The board shall adopt by rule:

13 (a) The minimum standards described in subsection (2)(b) of this
14 section.

15 (b) Requirements for operators of boat liveries to provide educa-
16 tional information to customers.

17 **SECTION 5. Nonmotorized Boating Safety Enforcement.** As part of
18 the Nonmotorized Boating Program created under section 3 of this 2017
19 Act, the State Marine Board:

20 (1) May contract with a city, with the Department of State Police
21 or with a county sheriff for patrols in areas with significant presence
22 of nonmotorized boats and nonmotorized craft, as determined by the
23 board, to enforce the laws of this chapter and to reduce conflict be-
24 tween users of the waters of this state.

25 (2) May contract with a city, with the department or with a county
26 sheriff for the purchase of appropriate watercraft to assist in the du-
27 ties identified in subsection (1) of this section.

28 (3) May contract with any person or public body, as defined in ORS
29 174.109, to remove any obstruction as described in ORS 830.160 for
30 nonmotorized boating.

31 **SECTION 6. Access for Nonmotorized Boat Use.** (1) As used in this

1 section, “public body” has the meaning given that term in ORS 174.109.

2 (2) As part of the Nonmotorized Boating Program created under
3 section 3 of this 2017 Act, the State Marine Board may:

4 (a) Provide grants under section 10 of this 2017 Act to assist public
5 bodies and federal agencies with:

6 (A) The purchase of land, leases or easements in order to provide
7 access to public waterways.

8 (B) The construction, renovation, expansion or development of
9 public boating facilities for nonmotorized boat use.

10 (C) The construction, renovation, expansion or development of
11 public play parks for nonmotorized boat use, such as whitewater parks
12 and competition courses. In addition, the board may also provide
13 grants to private entities to assist with the activities described in this
14 subparagraph.

15 (D) Modifying or upgrading existing public boating facilities to ac-
16 commodate or incorporate nonmotorized boat use.

17 (b) Provide technical services to support the activities described in
18 this section.

19 (c) Provide maintenance assistance program funding as defined by
20 the board by rule.

21 **SECTION 7. Nonmotorized Boating Permit.** (1) Except as provided
22 in subsections (2) and (3) of this section, a person 14 years of age or
23 older shall carry a nonmotorized boating permit while operating a
24 nonmotorized boat, in the manner provided by the State Marine Board
25 by rule. The person shall present proof of a permit upon request by a
26 peace officer.

27 (2) Subsection (1) of this section does not apply to:

28 (a) A person operating a nonmotorized boat that is displaying a
29 validation sticker as required under ORS 830.795.

30 (b) A person operating a nonmotorized boat, if the nonmotorized
31 boat is owned by an operator of a boat livery and the person displays

1 **proof of holding a nonmotorized boating permit according to rules**
2 **adopted by the board.**

3 (c) **A person operating a nonmotorized boat on a federally desig-**
4 **nated wild and scenic river for which a separate fee system is in place.**

5 (d) **A person operating a nonmotorized boat, if the person is en-**
6 **gaged in law enforcement, public safety or official business of a fed-**
7 **eral, state or municipal agency as defined by the board by rule.**

8 (e) **A resident of a border state who launches a nonmotorized boat**
9 **from that border state into border waters, as defined by the board by**
10 **rule.**

11 (f) **A person operating a nonmotorized boat, if the person holds a**
12 **nonmotorized boating permit, a registration or a similar authorization**
13 **that is issued by another state and accepted by the board by rule.**

14 (3) **The board may adopt rules that provide additional exemptions**
15 **from the requirement to obtain a permit under subsection (1) of this**
16 **section.**

17 **SECTION 8. Nonmotorized Boating Permit; issuance; fee.** (1) **The**
18 **State Marine Board shall issue a nonmotorized boating permit to a**
19 **person who pays the fee for the permit described in section 7 of this**
20 **2017 Act.**

21 (2) **The board may appoint agents to issue nonmotorized boating**
22 **permits.**

23 (3) **Agents shall issue nonmotorized boating permits in accordance**
24 **with procedures prescribed by the board by rule and shall charge and**
25 **collect the nonmotorized boating permit fees prescribed by law.**

26 (4) **The board may authorize an agent other than a board employee**
27 **to charge a service fee of \$2, in addition to the nonmotorized boating**
28 **permit fee, for the issuance service performed by the agent.**

29 (5) **The board shall supply the agents with nonmotorized boating**
30 **permits, if applicable.**

31 (6) **An operator of a boat livery shall display proof of holding a**

1 nonmotorized boat permit according to rules adopted by the board.

2 (7) The board may combine a nonmotorized boating permit with
3 other permits, certificates, licenses or registrations issued by the
4 board to the same person in the manner provided by the board by rule.

5 **SECTION 9. Nonmotorized Boating Permit Fees.** (1) Notwithstand-
6 ing ORS 830.790 (3), fees for issuance of a nonmotorized boating permit
7 are as follows:

8 (a) \$4 for a one-week permit.

9 (b) \$12 for an annual permit.

10 (c) \$20 for a biennial permit.

11 (d) The annual fee for an operator of a boat livery that offers non-
12 motorized boats is:

13 (A) \$60 for an operator who owns 6 to 10 nonmotorized boats.

14 (B) \$110 for an operator who owns 11 to 20 nonmotorized boats.

15 (C) \$200 for an operator who owns 21 or more nonmotorized boats.

16 (2) The State Marine Board shall deposit fees received under this
17 section into the Nonmotorized Boating Program Fund established un-
18 der section 13 of this 2017 Act.

19 **SECTION 10. Grants from Nonmotorized Boating Program Fund.** (1)

20 The State Marine Board may provide, from moneys in the Nonmotor-
21 ized Boating Program Fund established under section 13 of this 2017
22 Act, grants to public bodies, as defined in ORS 174.109, to private en-
23 tities and to nonprofit organizations, as defined in section 4 of this 2017
24 Act, to assist in paying for costs incurred to:

25 (a) Provide nonmotorized boating education pursuant to section 4
26 of this 2017 Act; or

27 (b) Implement the provisions of section 6 of this 2017 Act.

28 (2) The board shall adopt rules for implementing the grant program
29 described in this section.

30 **SECTION 11. Nonmotorized Craft.** (1) Except as provided in sub-
31 section (2) of this section, a person using a nonmotorized craft in a

1 river or stream shall wear an approved personal flotation device of a
2 type prescribed by the State Marine Board by rule.

3 (2) This section does not apply to a person using a nonmotorized
4 craft within a water area that is clearly marked by buoys, or some
5 other distinguishing device, as a bathing or swimming area.

6 SECTION 12. Advertising. (1) The State Marine Board may sell ad-
7 vertising in board publications, including promotional brochures, edu-
8 cational information, signs and other media.

9 (2) The board shall deposit any advertising proceeds into the Non-
10 motorized Boating Program Fund established in section 13 of this 2017
11 Act. The board shall first expend the proceeds to offset costs for pro-
12 duction, printing and publication. The board may expend any remain-
13 ing proceeds for the purposes authorized in section 13 of this 2017 Act.

14 SECTION 13. Nonmotorized Boating Program Fund. (1) The Non-
15 motorized Boating Program Fund is established in the State Treasury,
16 separate and distinct from the General Fund. Interest earned by the
17 Nonmotorized Boating Program Fund shall be credited to the fund.
18 Moneys in the fund are continuously appropriated to the State Marine
19 Board for the purpose of administering the Nonmotorized Boating
20 Program under sections 3 to 13 of this 2017 Act.

21 (2)(a) The fund consists of:

22 (A) Moneys deposited into the fund under sections 9 and 12 of this
23 2017 Act.

24 (B) Moneys received under paragraph (b) of this subsection.

25 (C) Any other moneys appropriated to the fund by the Legislative
26 Assembly.

27 (b) The board may receive gifts, grants or contributions from any
28 source, whether public or private. Moneys received under this para-
29 graph shall be deposited into the fund.

30 (3) The board may use the moneys in the fund:

31 (a) To pay the costs of administering and implementing the Non-

1 **motorized Boating Program under sections 3 to 13 of this 2017 Act,**
2 **including production, printing and publishing costs under section 12**
3 **of this 2017 Act.**

4 **(b) To provide grants as provided in section 10 of this 2017 Act.**

5 **(c) For any other purpose described in sections 3 to 13 of this 2017**
6 **Act.**

7 **SECTION 14.** ORS 830.110 is amended to read:

8 830.110. In addition to the powers and duties otherwise provided in this
9 chapter, the State Marine Board shall have the power and duty to:

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

12 (2) Devise a system of identifying numbers for boats, floating homes and
13 boathouses. If an agency of the federal government has an overall system of
14 identification numbering for boats within the United States, the system de-
15 vised by the board shall conform with the federal system.

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

18 (4) Make contracts necessary to carry out the provisions of ORS 830.060
19 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795
20 to 830.820 and 830.830 to 830.870 **and sections 3 to 13 of this 2017 Act.**

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

23 (6) Study, plan and recommend the development of boating facilities
24 throughout the state which will promote the safety and pleasure of the pub-
25 lic through boating.

26 (7) Publicize the advantage of safe boating.

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

29 (9) Exempt from any provisions of this chapter any class of boats if it
30 determines that the safety of persons and property will not be materially
31 promoted by the applicability of those provisions to the class of boats. The

1 board may not exempt from numbering any class of boats unless:

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

4 (b) The secretary of the department of the federal government under
5 which the United States Coast Guard is operating has exempted from num-
6 bering the same boats or classes of boats.

7 (10) Appoint and require the bonding of agents to issue a temporary per-
8 mit to operate a boat. In addition to the prescribed fees, the agents may
9 charge the following for their services in issuing the temporary permit:

10 (a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;

11 (b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and

12 (c) Beginning in 2014, and every three years thereafter, the board shall
13 issue an order revising the fee specified in paragraph (b) of this subsection
14 on January 1, based on changes in the Portland-Salem, OR-WA, Consumer
15 Price Index for All Urban Consumers for All Items, as published by the Bu-
16 reau of Labor Statistics of the United States Department of Labor. The board
17 shall round the amount of the fee to the nearest half-dollar. The revised fee
18 takes effect on January 1 and applies for the following three years.

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

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

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

28 (14) Make rules regarding marine toilets and their use consistent with the
29 prevention and control of pollution of the waters of this state and not in
30 conflict with the rules of the Oregon Health Authority or the Environmental
31 Quality Commission.

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

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

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

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

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

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

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

27

28

PENALTIES

29

30 **SECTION 15.** ORS 830.990 is amended to read:

31 830.990. (1)(a) Violation of ORS 830.565 by a person operating a [*manually*

1 *propelled*] **nonmotorized** boat is a Class D violation. Notwithstanding ORS
2 153.019, the presumptive fine for a violation of ORS 830.565 by a person op-
3 erating a [*manually propelled*] **nonmotorized** boat is \$30.

4 (b) Violation of ORS 830.565 by a person operating a motorboat is a Class
5 D violation. Notwithstanding ORS 153.019, the presumptive fine for a vio-
6 lation of ORS 830.565 by a person operating a motorboat is \$50.

7 (c) **A person who violates section 11 of this 2017 Act commits a Class**
8 **D violation. Notwithstanding ORS 153.019, the presumptive fine for**
9 **violation of section 11 of this 2017 Act is \$30.**

10 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094,
11 830.230, 830.415, 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855
12 **or section 7 of this 2017 Act**, or rules adopted to carry out the purposes
13 of those statutes, commits a Class D violation.

14 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375,
15 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out
16 the purposes of those statutes, commits a Class C violation.

17 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187,
18 830.195, 830.210, 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3),
19 830.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370,
20 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or 830.830, or rules adopted
21 to carry out the purposes of those statutes, commits a Class B violation.

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

24 (6) A person who violates ORS 830.383 commits a Class B misdemeanor.

25 (7) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325,
26 830.475 (1), 830.730 or 830.955 (1) commits a Class A misdemeanor.

27 (8) A person who violates ORS 830.475 (2) commits a Class C felony.

28 (9) A person who violates ORS 830.944 commits a Class A violation.

29 **SECTION 16.** ORS 153.096 is amended to read:

30 153.096. (1) **Except as provided in subsection (2) of this section**, in any
31 proceeding for a violation under ORS 830.990 or 830.997, the court may con-

1 ditionally suspend all or part of any fine or penalty to be imposed on the
2 defendant if the defendant appears personally and agrees to complete at the
3 defendant's own expense a Safe Boating Education Course approved by the
4 State Marine Board under ORS 830.110 (18), within time limits imposed by
5 the court.

6 **(2) In any proceeding for a violation under ORS 830.990 (1)(c), the**
7 **court may conditionally suspend all or part of any fine or penalty to**
8 **be imposed on the defendant if the defendant appears personally and**
9 **agrees to complete at the defendant's own expense a course approved**
10 **by the State Marine Board under section 4 of this 2017 Act, within time**
11 **limits imposed by the court.**

12 [(2)] (3) In any proceeding for a violation under ORS 830.990 or 830.997,
13 the court shall notify the State Marine Board if the defendant fails to appear
14 at any time as required by law or the court, or fails to comply with any order
15 of the court.

16

17 **CONFORMING AMENDMENTS**

18

19 **SECTION 17.** ORS 830.172 is amended to read:

20 830.172. (1) In addition to those powers and duties set forth in ORS
21 830.110, the State Marine Board shall review county boat use permit pro-
22 grams, adopted by county ordinance, for approval or denial.

23 (2) The board shall review county boat use permit programs under the
24 following standards:

25 (a) Funds shall be dedicated to county boating programs for boating
26 safety, marine law enforcement or boating facilities;

27 (b) The program applies only to counties bordering a state that allows
28 imposition of a boat use permit fee;

29 (c) The program meets standards adopted by rule by the board pertaining
30 to:

31 (A) Use of funds;

- 1 (B) Amount of fee;
- 2 (C) Administration; and
- 3 (D) Enforcement; and

4 (d) Boats with a current, valid certificate of number issued by the board
5 under ORS 830.795 and [*manually propelled vessels*] **nonmotorized boats** are
6 exempt from county boat use permits.

7 **SECTION 18.** ORS 830.565 is amended to read:

8 830.565. (1) A person may not operate a [*manually propelled*] **nonmotor-**
9 **ized** boat that is 10 feet or more in length or a motorboat on the waters of
10 this state without first obtaining an aquatic invasive species prevention
11 permit from the State Marine Board under ORS 830.570.

12 (2) A person who obtains an aquatic invasive species prevention permit
13 for a [*manually propelled*] **nonmotorized** boat may use the permit on any
14 [*manually propelled*] **nonmotorized** boat the person operates on the waters
15 of this state.

16 **SECTION 19.** ORS 830.570 is amended to read:

17 830.570. (1) The State Marine Board shall issue and renew an aquatic
18 invasive species prevention permit to a person who pays the fee for the per-
19 mit described in ORS 830.575.

20 (2) The board may appoint agents to issue aquatic invasive species pre-
21 vention permits.

22 (3) Agents shall issue permits in accordance with procedures prescribed
23 by the board by rule and shall charge and collect the aquatic invasive species
24 prevention permit fees prescribed by law.

25 (4) The board may authorize an agent other than a board employee to
26 charge a service fee of \$2, in addition to the permit fee, for the issuance
27 service performed by the agent.

28 (5) The board shall supply the agents with motorboat and [*manually pro-*
29 *pelled*] **nonmotorized** boat aquatic invasive species prevention permits.

30 **SECTION 20.** ORS 830.575 is amended to read:

31 830.575. Notwithstanding ORS 830.790 (3), fees for issuance and renewal

1 of an aquatic invasive species prevention permit are as follows:

2 (1) The biennial fee for a motorboat issued a certificate of number under
3 ORS 830.795 is \$5.

4 (2) The annual fee for a [*manually propelled*] **nonmotorized** boat 10 feet
5 or more in length is \$5.

6 (3) The annual fee for a motorboat operated by a nonresident is \$20.

7 (4) **The weekly fee for a nonmotorized boat user issued a one-week**
8 **nonmotorized boating permit under section 9 of this 2017 Act is \$1.**

9 [(4)] (5) The annual fee for an operator of a boat livery is:

10 (a) \$30 for an operator who owns 6 to 10 [*manually propelled*] **nonmo-**
11 **torized** boats;

12 (b) \$55 for an operator who owns 11 to 20 [*manually propelled*] **nonmo-**
13 **torized** boats; or

14 (c) \$100 for an operator who owns 21 or more [*manually propelled*] **non-**
15 **motorized** boats.

16 **SECTION 21.** ORS 830.700 is amended to read:

17 830.700. As used in ORS 830.060 to 830.140, 830.700 to 830.715, 830.725,
18 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870,
19 unless the context requires otherwise:

20 (1) “Boat” means every description of watercraft used or capable of being
21 used as a means of transportation on the water, but does not include aircraft
22 equipped to land on water, boathouses, floating homes[, *air mattresses, beach*
23 *and water toys or single inner tubes*] **or nonmotorized craft.**

24 (2) “Boathouse” means a covered structure on floats or piles used for the
25 protected moorage of boats.

26 (3) “Dealer” means a person who engages wholly or in part in the busi-
27 ness of buying, selling or exchanging boats, floating homes or boathouses,
28 either outright or on conditional sale, bailment lease, chattel mortgage or
29 otherwise.

30 (4) “Floating home” means a moored structure that is secured to a pier
31 or pilings and is used primarily as a domicile and not as a boat.

1 (5) "Operate" means to navigate or otherwise use a boat on water.

2 (6) "Owner" means a person or persons who have a property interest other
3 than a security interest in a boat, floating home or boathouse and the right
4 of use or possession of the boat, floating house or boathouse, but does not
5 include a lessee.

6 (7) "Ownership" means a property interest other than a security interest.

7 (8) "Security interest" means an interest reserved or created by agreement
8 which secures payment or performance of an obligation as more particularly
9 defined by ORS 71.2010 (2)(ii).

10 (9) "State of principal use" means the state on whose waters a boat is
11 used or to be used during most of a calendar year.

12
13 **CAPTIONS**

14
15 **SECTION 22. The unit and section captions used in this 2017 Act**
16 **are provided only for the convenience of the reader and do not become**
17 **part of the statutory law of this state or express any legislative intent**
18 **in the enactment of this 2017 Act.**

19
20 **OPERATIVE DATE**

21
22 **SECTION 23. (1) Sections 2 to 13 of this 2017 Act and the amend-**
23 **ments to ORS 153.096, 830.005, 830.110, 830.172, 830.565, 830.570, 830.575,**
24 **830.700 and 830.990 by sections 1 and 14 to 21 of this 2017 Act become**
25 **operative on January 1, 2018.**

26 (2) **The State Marine Board may take any action before the opera-**
27 **tive date specified in subsection (1) of this section that is necessary**
28 **to enable the board to exercise, on and after the operative date speci-**
29 **fied in subsection (1) of this section, all the duties, functions and**
30 **powers conferred on the board by sections 2 to 13 of this 2017 Act and**
31 **the amendments to ORS 153.096, 830.005, 830.110, 830.172, 830.565, 830.570,**

1 **830.575, 830.700 and 830.990 by sections 1 and 14 to 21 of this 2017 Act.**

2

3

EMERGENCY CLAUSE

4

5 **SECTION 24. This 2017 Act being necessary for the immediate**
6 **preservation of the public peace, health and safety, an emergency is**
7 **declared to exist, and this 2017 Act takes effect on its passage.**

8

AGENCY NAME Oregon State Marine Board

Measure Number-Version NM LC Draft

No fiscal Impact
 Minimal Impact
 Fiscal Impact

Preparer Name/Title: Christian Grorud / Business Services Manager
 Preparer Phone #: 503-378-2630
 Date Submitted: 3.25.16

Effect on Expenditure (by Fund and Category):

	General Fund	Other Funds	Federal Funds	NL Other Funds	TOTAL FUNDS
2017-19 Biennium					
Personal Services	\$ -	\$ 269,094	\$ -	\$ -	\$ 269,094
Services and Supplies	\$ -	\$ 205,479	\$ -	\$ -	\$ 205,479
Special Payments	\$ -	\$ 1,162,022	\$ -	\$ -	\$ 1,162,022
Capital Outlay	\$ -	\$ 37,500	\$ -	\$ -	\$ 37,500
Capital Construction	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ -	\$ 1,674,095	\$ -	\$ -	\$ 1,674,095

	General Fund	Other Funds	Federal Funds	NL Other Funds	TOTAL FUNDS
2019-21 Biennium					
Personal Services	\$ -	\$ 400,979	\$ -	\$ -	\$ 400,979
Services and Supplies	\$ -	\$ 230,529	\$ -	\$ -	\$ 230,529
Special Payments	\$ -	\$ 1,619,084	\$ -	\$ -	\$ 1,619,084
Capital Outlay	\$ -	\$ 52,250	\$ -	\$ -	\$ 52,250
Capital Construction	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ -	\$ 2,302,842	\$ -	\$ -	\$ 2,302,842

Effect on Revenues (by Fund):

	General Fund	Other Funds	Federal Funds	NL Other Funds	TOTAL FUNDS
2017-19 Biennium	\$ -	\$ 2,008,977	\$ -	\$ -	\$ 2,008,977
2019-21 Biennium	\$ -	\$ 2,692,029	\$ -	\$ -	\$ 2,692,029

Effect on Position(s) / FTE(s):

Months of Impact		2017-19	2017-19	2019-21
2017-19	2019-21	Position Count	FTE	FTE
18	24	3	2.50	2.50

Please complete detail Personal Services information using "PS Calculation" tab.

The budgetary impact of this bill was reviewed and approved by the Interim Joint Committee on Ways and Means to be recommended to be included in the omnibus budget bill. na No

Is the bill anticipated by the Governor's Recommended Budget as a Policy Option Package? If yes, please identify the Policy Option Package name and number in your written analysis. Unknown No

Does the proposal have a fiscal or revenue mandate effect on cities, counties, or special districts that triggers evaluation under section 15, Article XI of the Oregon Constitution? x No

Bill Description and Written Analysis: