

TITLE 61

SMALL WATERCRAFT

Chapter 830. Small Watercraft

Chapter 830

2013 EDITION

Small Watercraft

GENERAL PROVISIONS

- 830.005 Definitions for chapter
- 830.015 Application of ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490; exemptions
- 830.025 Other boating laws not affected
- 830.035 Peace officers to enforce chapter; fleeing; attempts to elude
- 830.037 Notification of stolen boat; notice in electronic file system; issuance of new title or certificate of number
- 830.040 Contrary local laws prohibited
- 830.050 Reporting lost boat
- 830.053 False or fraudulent report of theft of boat
- 830.055 Oregon Adopt-a-River Program; implementation; rules
- 830.060 Consistency with federal law
- 830.080 Boating Offense Compact

MANDATORY BOATING SAFETY EDUCATION

- 830.082 Mandatory boating safety education program
- 830.084 Requirements for mandatory boating safety education program; certificate; fee
- 830.086 Boating safety certificate; requirements; fee
- 830.088 Operation of motorboat by person 12 to 15 years of age
- 830.090 Operation of motorboat by person 16 years of age or older
- 830.092 Exemption from requirement to obtain boating safety certificate
- 830.094 Boating safety certificate required to operate motorboat
- 830.096 Conditional suspension of fine for violation of boating safety requirements

STATE MARINE BOARD

- 830.100 Boating safety policy
- 830.105 State Marine Board
- 830.110 Powers and duties of board; rules
- 830.115 Boating survey

- 830.120 Term; vacancies
- 830.125 Compensation and expenses
- 830.130 Officers; quorum; meetings
- 830.135 State Marine Director
- 830.137 Disposition of funds received through Clean Vessel Act and through Boating Infrastructure Grant Program; priority
- 830.140 Boating Safety, Law Enforcement and Facility Account; sources; disposition; enforcement by cities and counties
- 830.150 Disbursement of funds for boating facilities; priorities; water quality protection; hearing
- 830.155 Revolving fund; limit
- 830.160 Board authority to remove obstructions from water
- 830.165 Boating safety educational program; youthful boat operator program
- 830.170 Agreements with other jurisdictions
- 830.172 County boat use permit program review

REGULATIONS FOR SPECIFIC AREAS

- 830.175 Regulations for specific areas; rules
- 830.180 Use of motors prohibited on certain lakes; exceptions
- 830.185 Speed restrictions in certain areas
- 830.187 Restrictions for Waldo Lake
- 830.190 Temporary suspension of speed restrictions
- 830.195 Board to protect traditional boating uses and prevent user conflicts
- 830.200 County boat use permits

EQUIPMENT REQUIREMENTS

- 830.210 Operating improperly equipped boat prohibited
- 830.215 Personal flotation devices; rules
- 830.220 Fire extinguishers; rules
- 830.225 Lights; rules
- 830.230 Sound signaling devices; rules
- 830.235 Carburetors
- 830.240 Ventilation systems; rules

SMALL WATERCRAFT

| | | | |
|---------|--|---------|--|
| 830.245 | Safety devices on boat operated in tidewater; rules | 830.450 | Equipment requirements; rules |
| 830.250 | Additional equipment; rules | 830.460 | Prohibited activities |
| 830.260 | Muffling devices | 830.465 | Disciplinary actions |
| 830.270 | Notice to board on noise violation charge; board to supply information to court; suspension of certificate | | |
| | BOATING OPERATIONS | | ACCIDENTS |
| 830.300 | Operating boat in violation of chapter prohibited | 830.475 | Duties of operators and witnesses at accidents |
| 830.305 | Unsafe operation | 830.480 | Accident report required; rules |
| 830.315 | Reckless operation; speed | 830.485 | Form of report; sending death record to State Marine Board |
| 830.325 | Operating boat while under influence of intoxicating liquor or controlled substance | 830.490 | Confidential nature of report |
| 830.330 | Liability of owner for negligent operation of boat | 830.495 | Report of accident resulting in death or disappearance; duties of passengers |
| 830.335 | Operator to maintain lookout | | BOATING UNDER INFLUENCE OF INTOXICANTS |
| 830.340 | Navigation rules | 830.505 | Implied consent to chemical tests for intoxicants; refusal to submit; consequences |
| 830.345 | Traffic lanes; swim areas | 830.510 | Chemical evidence of use of intoxicants |
| 830.350 | Testing racing motorboat | 830.515 | Evidence of refusal to submit to test in legal proceeding |
| 830.355 | Overloading | 830.520 | Circumstances under which chemical tests may be administered |
| 830.360 | Riding on bow, gunwale or transom | 830.525 | Chemical tests obtained by subject |
| 830.362 | Operating motorboat with person holding on to or occupying parts aft of transom | 830.535 | Criteria for chemical analyses |
| 830.365 | Waterskiing, surfboarding and similar activities | 830.545 | Information about rights and consequences |
| 830.370 | Mooring to buoys and beacons; defacing or destroying navigational markers | 830.550 | Implied consent to field sobriety tests for intoxicants; refusal to submit; consequences |
| 830.375 | Authorization required to hold marine event; rules | | AQUATIC INVASIVE SPECIES PREVENTION |
| 830.380 | Peace officer authority to require operator to remedy especially hazardous condition | | (Generally) |
| 830.383 | Person required to remedy especially hazardous condition | 830.560 | Launching boat with aquatic invasive species prohibited; rules |
| 830.385 | Commercial fishing boats exempt from regulation of especially hazardous condition | | (Permits) |
| 830.390 | Minimum equipment and safety requirements for vessels engaged in Klamath Lake plankton fishery | 830.565 | Permit required |
| | RENTAL, CHARTER OR LIVERY GENERALLY | 830.570 | Board to issue permit; fees |
| 830.410 | Operator of boat livery to provide properly equipped boats | 830.575 | Fees for permit |
| 830.415 | Records of operator of boat livery | 830.580 | Rules; contracting services |
| 830.420 | Minimum equipment requirements for rental or charter boats; rules; inspection; cancellation or revocation of certificate for failure to comply | 830.585 | Aquatic Invasive Species Prevention Fund |
| | CHARTER BOAT REGULATION | | (Prevention Efforts) |
| 830.430 | Definitions for ORS 830.430 to 830.465 and 830.997 | 830.587 | Definitions for ORS 830.589, 830.594 and 830.999 |
| 830.435 | Charter boat license; reciprocity with Washington license holders | 830.589 | Watercraft check stations; rules |
| 830.437 | Licensing; safety standards; rules | 830.594 | Report of prevention efforts |
| 830.440 | License application; contents; fees; bond or financial security; transfer of license; rules | | SEAPLANES |
| 830.445 | Liability insurance form; notice to board upon termination of coverage; license suspension for failure to maintain insurance | 830.600 | Applicability of boating laws to seaplanes |
| | | 830.605 | State Marine Board and Oregon Department of Aviation to distribute information on regulation of seaplanes |
| | | | NUMBERING, TITLES AND LICENSES |
| | | | (Generally) |
| | | 830.700 | Definitions for ORS 830.060 to 830.140 and 830.700 to 830.870 |
| | | 830.705 | Applicability of numbering, title and license requirements |
| | | 830.710 | Report of transfer, abandonment or destruction of boat, boathouse or floating home or change of address of owner |

SMALL WATERCRAFT

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|--|--|
| <p>830.715 Record of certificates and numbers; fees for furnishing information</p> <p>830.720 Cancellation of title upon scrapping of boat, boathouse or floating home</p> <p>830.725 Distribution of lists of owners</p> <p>830.730 False information prohibited</p> <p align="center">(Titles; Security Interest)</p> <p>830.740 Perfection of security interest in boats, boathouses and floating homes covered by certificate of title; applicability of Uniform Commercial Code</p> <p>830.745 Notation on title of creation, satisfaction or assignment of security interest; fee</p> <p>830.750 Transfer of title subject to security interest; dealer transferees; fee</p> <p>830.755 Transfer by operation of law of title subject to security interest; fee</p> <p align="center">(Boats)</p> <p>830.770 Certificate of number required on boat; exceptions</p> <p>830.775 Operation of certain boats without certificates of registration</p> <p>830.780 Identifying number on forward half of boat</p> <p>830.785 Application for boat number</p> <p>830.790 Certificate or registration fees</p> <p>830.795 Issuance of certificate of number and validation stickers; stickers placed on boats</p> <p>830.800 Expiration of certificate of number; renewal of certificate and stickers</p> <p>830.805 Application by owner having number awarded by federal government or another state</p> <p>830.810 Certificate of title; exceptions; rules; application fees; penalty fee</p> <p>830.815 Refusal to issue or suspension or cancellation of certificate</p> <p>830.820 Duplicate certificates or validation stickers</p> <p>830.825 Hull identification number required</p> <p>830.830 Dealer or boat manufacturer number; fee</p> <p align="center">(Floating Homes; Boathouses)</p> <p>830.850 Identifying number plate required on floating homes and boathouses; certificate of title required; fee</p> <p>830.855 Application for floating home or boathouse identifying plate; fee; issuance of certificate of title</p> <p>830.860 Validity of certificate of title; new certificates; fee</p> | <p>830.865 Rules</p> <p>830.870 Duplicate certificate; fee</p> <p align="center">DISPOSITION OF BOATS AND EQUIPMENT FROM WHICH IDENTIFICATION NUMBER REMOVED</p> <p>830.875 Definitions for ORS 830.880 to 830.895</p> <p>830.880 Seizure of boats and equipment from which identification number has been removed; inspection of property; check for stolen boats; renumbering</p> <p>830.885 Return of seized property; investigation to determine ownership; notice to owner</p> <p>830.890 Public notice to persons having interest in seized property; court action; sale of property at public auction; disposition of proceeds</p> <p>830.895 Renumbering; inspection requirement</p> <p align="center">ABANDONED AND DERELICT VESSELS</p> <p>830.908 Definitions for ORS 830.908 to 830.948</p> <p>830.911 Authority to seize abandoned vessel or derelict vessel</p> <p>830.918 Preseizure notice</p> <p>830.923 Seizure without notice</p> <p>830.928 Manner and time of seizure</p> <p>830.931 Post-seizure notice</p> <p>830.933 Reclamation of seized vessel</p> <p>830.936 Hearing</p> <p>830.938 Liability for costs of salvage, towing and storage</p> <p>830.940 Use of contractor</p> <p>830.944 Offenses</p> <p>830.948 Salvaged Vessel Subaccount; sources; limits; uses</p> <p align="center">SUBMERSIBLE POLYSTYRENE</p> <p>830.950 Definitions for ORS 830.955</p> <p>830.955 Prohibition of installation of submersible polystyrene device</p> <p align="center">PENALTIES</p> <p>830.990 Penalties</p> <p>830.992 Penalty for purchase of boat or equipment from which hull or component identification number removed</p> <p>830.994 Additional penalties for violation of ORS 830.325</p> <p>830.997 Penalty for charter boat violations</p> <p>830.998 Penalty for failing to stop at an aquatic invasive species check station</p> <p>830.999 Penalty for transporting aquatic invasive species; exceptions; use of penalty monies; rules</p> |
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SMALL WATERCRAFT

GENERAL PROVISIONS

830.005 Definitions for chapter. 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.

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

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

(5) “Length” means the length of a boat measured from end to end over the deck excluding sheer.

(6) “Motorboat” means any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable motors.

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

(8) “Operate” means to navigate or otherwise use a boat.

(9) “Operator of a boat livery” means any person who is engaged wholly or in part in the business of chartering or renting boats to other persons.

(10) “Passenger” means every person on board a boat who is not the master, operator, crew member or other person engaged in any capacity in the business of the boat.

(11) “Peace officer” includes a member of the Oregon State Police, a sheriff or deputy sheriff, a city police officer, an authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011, and a police officer commissioned by a university under ORS 352.383 or 353.125.

(12) “State waters” means those waters entirely within the confines of this state that have not been declared navigable waters of the United States.

(13) “Waters of this state” means all waters within the territorial limits of this state,

the marginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to or from the shore of this state. [Formerly 488.011; 1995 c.655 §1; 1999 c.59 §250; 1999 c.1051 §93; 2011 c.506 §53; 2011 c.644 §35; 2013 c.180 §59]

Note: The amendments to 830.005 by section 57, chapter 644, Oregon Laws 2011, become operative July 1, 2015. See section 58, chapter 644, Oregon Laws 2011, as amended by section 77, chapter 644, Oregon Laws 2011. The text that is operative on and after July 1, 2015, including amendments by section 60, chapter 180, Oregon Laws 2013, is set forth for the user’s convenience.

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(8) “Operate” means to navigate or otherwise use a boat.

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(12) “State waters” means those waters entirely within the confines of this state that have not been declared navigable waters of the United States.

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

830.010 [Formerly 488.005; 1991 c.67 §230; repealed by 1999 c.1051 §97]

830.015 Application of ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490; exemptions.

(1) ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 ap-

ply to all boats operated in the waters of this state.

(2) Notwithstanding subsection (1) of this section, ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 do not apply to a boat when application of the statutes would be inconsistent with federal law or regulations or to a boat that is:

(a) A foreign boat operated temporarily in the waters of this state.

(b) A boat owned and operated by the United States or by an entity of the United States.

(c) A ship's lifeboat used solely for lifesaving purposes.

(d) A boat belonging to a class of boats that has been exempted from the provisions of ORS 830.705, 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 by the State Marine Board as provided in ORS 830.110.

(3) Notwithstanding an exemption provided to a class of boats in subsection (2) of this section, a boat that would otherwise be exempt from regulation because the boat is of a class specified in subsection (2) of this section is not exempt if the boat is a:

(a) Passenger vessel of less than 100 gross tons;

(b) Commercial vessel that is not required to be inspected under federal law; or

(c) Publicly owned recreational vessel. [Formerly 488.021; 1993 c.18 §172; 2005 c.65 §1]

830.025 Other boating laws not affected. (1) Nothing in ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 is intended to affect the provisions of ORS 783.610, 830.060 to 830.140, 830.175 to 830.185, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 or 830.830 to 830.870.

(2) The provisions of ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 are in addition to and not in lieu of any other statutes. [Formerly 488.180]

830.035 Peace officers to enforce chapter; fleeing; attempts to elude. (1) The sheriff of each county and all other peace officers shall be responsible for the enforcement of this chapter and any regulations made by the State Marine Board pursuant thereto. In the exercise of this responsibility, a peace officer may stop any boat and direct it to a suitable pier or anchorage for boarding.

(2) No person, while operating a boat on any waters of this state, shall knowingly flee or attempt to elude any law enforcement officer after having received a signal from a

law enforcement officer to bring the boat to a stop. [Formerly 488.027]

830.037 Notification of stolen boat; notice in electronic file system; issuance of new title or certificate of number. (1) Any law enforcement agency within the State of Oregon that receives a report of a previously unreported stolen boat shall notify the State Marine Board within 72 hours after receiving the report. The report shall include all information concerning the theft and the boat involved.

(2) Any law enforcement agency within the State of Oregon that recovers a boat that has been previously reported as stolen shall notify the board of the recovery within 72 hours after the recovery.

(3) When the board receives a report of the theft of a boat under subsection (1) of this section, the board shall place an appropriate notice of the theft in an electronic file system that identifies the boat during the processing of any new certificate of number or title. If a boat reported as stolen is identified during such processing, the board shall discontinue processing and notify the law enforcement agency that initiated the theft report. The board may not issue a new certificate of number or title unless the status of the boat as a stolen boat is cleared by the originating law enforcement agency.

(4) Any boat reported as stolen to the board shall remain on the records of the board as stolen until the originating law enforcement agency clears the record.

(5) The board shall prepare a report listing stolen and recovered boats as disclosed by the reports submitted to the board by law enforcement agencies, and shall distribute the report on a regular basis.

(6) When the board is notified that a previously listed stolen boat has been recovered, the board shall immediately record the recovery in the board's registration records. [1999 c.550 §2]

Note: 830.037 was added to and made a part of ORS chapter 830 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

830.040 Contrary local laws prohibited. No political subdivision of this state may enact or enforce any law contrary to the provisions of this chapter. [Formerly 488.028]

830.050 Reporting lost boat. If any person finds a boat which is lost or adrift the person shall report the whereabouts of the boat to the owner or to any peace officer at the earliest possible time. [Formerly 488.124]

830.053 False or fraudulent report of theft of boat. No person shall make or file, with intent to deceive, with any law enforcement agency a false or fraudulent report

of the theft of a boat required to be numbered in the State of Oregon. [1999 c.550 §3]

830.055 Oregon Adopt-a-River Program; implementation; rules. (1) As used in this section, “invasive species” has the meaning given that term in ORS 570.755.

(2) The State Marine Board shall administer a program designed to beautify and protect the state’s rivers through the removal of litter and invasive species. The program shall include public informational activities, but shall be directed primarily toward encouraging and facilitating involvement of volunteer groups in the removal of litter and invasive species, assigning each group to a specific river or stream segment. The program shall be called the Oregon Adopt-a-River Program.

(3) Private landowners with rivers running through or adjacent to their property are vital to the success of the Oregon Adopt-a-River Program. The State Marine Board shall ensure that participants in the program comply with requirements to obtain permission from landowners for river access across private property.

(4) The State Marine Board shall compile a list of invasive species appropriate for removal by a volunteer group. Before compiling the list, the board shall consult with:

(a) The Invasive Species Council established under ORS 570.770;

(b) The State Department of Agriculture;

(c) The State Forestry Department; and

(d) The Department of Environmental Quality.

(5) Program funding is an authorized use of the Boating Safety, Law Enforcement and Facility Account under ORS 830.140.

(6) The State Marine Board may adopt any rules necessary for implementation of the Oregon Adopt-a-River Program.

(7) An agreement entered into between the State Marine Board and a volunteer group under subsection (2) of this section shall include but need not be limited to:

(a) Identification of the designated river or stream segment. The volunteer group may request a specific segment of the river or stream it wishes to adopt, but the assignment shall be at the discretion of the State Marine Board. In assigning sections of a river, the board shall coordinate and cooperate with affected federal, state and local management agencies and private landowners.

(b) Specification of the duties of the volunteer group. The group shall remove litter and invasive species along the designated river or stream segment at least once each year.

(c) Specification of the invasive species that the volunteer group may remove. The group shall agree to not remove an invasive species that is not specified in the agreement. The group may report the existence of invasive species not specified in the agreement to the State Marine Board.

(d) Specification of the responsibilities of the volunteer group. The group shall agree to abide by all rules related to the program that are adopted by the State Marine Board.

(e) Duration of the agreement. The volunteer group shall contract to care for the designated river or stream segment for at least two years.

(8) The State Marine Board shall create a recognition program to acknowledge the efforts of volunteer groups, agencies and businesses that participate in the Oregon Adopt-a-River Program.

(9) The State Marine Board shall provide trash bags, instructions for the removal of invasive species, safety information and assistance to the participating volunteer groups. Instructions provided under this subsection must include instructions on best management practices, including how to properly dispose of an invasive species and how to decontaminate equipment to prevent the spreading of the invasive species.

(10) The State Marine Board shall be responsible for facilitating the removal of large or heavy items from a river or stream segment if such items are found by a volunteer group.

(11) The State Marine Board shall report the existence of an invasive species discovered by a volunteer group under subsection (7)(c) of this section to the appropriate management agency or the Invasive Species Council.

(12) The State Marine Board shall not instruct a volunteer group or any member thereof participating in the Oregon Adopt-a-River Program in the measurement of water quality, encourage any participant to measure water quality or include the measuring of water quality in the duties of any participant.

(13) The State Marine Board shall not instruct a volunteer group or any member thereof participating in the Oregon Adopt-a-River Program in the locating or monitoring of point or nonpoint pollution sources, encourage any participant to locate or monitor point or nonpoint pollution sources or include the locating or monitoring of point or nonpoint pollution sources in the duties of any participant. [1993 c.54 §2; 1995 c.165 §1; 2011 c.63 §1]

830.060 Consistency with federal law. If any provision of ORS 830.060 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 conflicts with federal requirements so that the system of identifying numbers for boats devised by the State Marine Board is not approved by the secretary of the department of the federal government under which the United States Coast Guard is operating, that provision of ORS 830.060 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 is inoperative to the extent that it so conflicts, but such conflict shall not affect the remainder of ORS 830.060 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870. [Formerly 488.870; 1991 c.67 §231]

830.080 Boating Offense Compact. The Boating Offense Compact is enacted into law and entered into on behalf of this state with all other states legally joining therein in a form substantially as follows:

ARTICLE I

Findings and Declaration of Policy

(1) The party states find that:

(a) The safety of their waters is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of boats.

(b) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(2) It is the policy of each of the party states to promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of boats by their operators in each of the jurisdictions where such operators operate boats.

ARTICLE II

Definition

As used in this compact, "state" means a state that has entered into this compact.

ARTICLE III

Concurrent Jurisdiction

(1) If conduct is prohibited by two adjoining party states, courts and law enforcement officers in either state who have jurisdiction over boating offenses committed where waters form a common interstate boundary have concurrent jurisdiction to arrest, prosecute and try offenders for the prohibited conduct committed anywhere on the boundary water between the two states.

(2) This compact does not authorize:

(a) Prosecution of any person for conduct that is unlawful in the state where it was committed, but lawful in the other party state.

(b) A prohibited conduct by the party state.

ARTICLE IV

Entry Into Force and Withdrawal

(1) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(2) Any party state may withdraw from this compact by enacting a statute repealing the same.

ARTICLE V

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1991 c.590 §5]

Note: 830.080 was added to and made a part of ORS chapter 830 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

MANDATORY BOATING SAFETY EDUCATION

830.082 Mandatory boating safety education program. The State Marine Board shall establish and implement a program to provide mandatory boating safety education. [1999 c.716 §2; 2001 c.104 §310]

Note: 830.082 to 830.094 were added to and made a part of ORS chapter 830 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

830.084 Requirements for mandatory boating safety education program; certificate; fee. In establishing the mandatory boating safety education program pursuant to ORS 830.082, the State Marine Board shall:

(1) Set a minimum standard of boating safety education competency. The standard shall be consistent with the applicable stan-

dard established by the National Association of State Boating Law Administrators. The board may update the minimum standard of competency as necessary.

(2) Create a boating safety course of instruction and examination designed to educate and test for the minimum standard of safety established pursuant to subsection (1) of this section.

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

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

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

(6) Accept proof of prior completion of any approved boating safety course as meeting the requirement for a boating safety course.

(7) Establish a fee for the boating safety certificate issued under ORS 830.086 that may not exceed \$10.

(8) Establish a temporary boating safety certificate that is valid for 60 days and issued in conjunction with a temporary certificate of number for newly acquired boats.

(9) Promote the fact that insurance discounts of 10 percent to 15 percent are widely available for taking a boating safety course that meets the minimum standard established pursuant to subsection (1) of this section. [1999 c.716 §3; 2001 c.104 §311]

Note: See note under 830.082.

830.086 Boating safety certificate; requirements; fee. A person may obtain a boating safety certificate if the person:

(1) Is at least 12 years of age;

(2) Passes the boating safety course and examination, or the equivalency exam, as described in ORS 830.084, or submits proof to the satisfaction of the State Marine Board that the person has taken a course that is substantively equivalent to the course described in ORS 830.084; and

(3) Pays the fee required by the board. [1999 c.716 §4; 2001 c.104 §312]

Note: See note under 830.082.

830.088 Operation of motorboat by person 12 to 15 years of age. A person 12 to 15 years of age with a boating safety certificate may operate a motorboat with an engine of 10 horsepower or less. In addition, a person 12 to 15 years of age with a boating safety certificate may operate a motorboat with an engine greater than 10 horsepower if accompanied by and under the direct supervision of a parent, guardian or respon-

sible person 16 years of age or older who possesses a boating safety certificate. [1999 c.716 §5]

Note: See note under 830.082.

830.090 Operation of motorboat by person 16 years of age or older. A person may operate a motorboat with an engine greater than 10 horsepower if the person:

(1)(a) Is at least 16 years of age; and

(b) Obtains a boating safety certificate pursuant to ORS 830.086; or

(2) Is accompanied by and under the direct supervision of a person 16 years of age or older who has obtained a boating safety certificate pursuant to ORS 830.086. [1999 c.716 §6]

Note: See note under 830.082.

830.092 Exemption from requirement to obtain boating safety certificate. A boating safety certificate is not required if a person:

(1) Is at least 16 years of age and rents a motorboat with an engine greater than 10 horsepower and completes a required dockside safety checklist before operating the boat;

(2) Possesses a current commercial fishing license as required by ORS 508.235;

(3) Possesses a valid United States Coast Guard commercial motorboat operator's license;

(4) Is not a resident of this state and does not operate a boat with an engine greater than 10 horsepower in Oregon waters for more than 60 consecutive days;

(5) Is not a resident of this state, holds a current out-of-state boating safety certificate and has the out-of-state certificate in the person's possession;

(6) Holds a temporary certificate as described under ORS 830.084; or

(7) Is not yet required to have a certificate under the phase-in program developed by the State Marine Board pursuant to section 9, chapter 716, Oregon Laws 1999. [1999 c.716 §7; 2003 c.14 §499]

Note: See note under 830.082.

830.094 Boating safety certificate required to operate motorboat. A person shall carry a boating safety certificate on the boat while operating a motorboat, as required, and shall present the certificate to a peace officer upon request by the peace officer. [1999 c.716 §8; 2003 c.14 §500]

Note: See note under 830.082.

830.096 Conditional suspension of fine for violation of boating safety requirements. In any proceeding for a violation of ORS 830.088, 830.090, 830.092 or 830.094, the court shall conditionally suspend all or part

of the fine to be imposed on the defendant if the defendant appears personally and agrees to complete, at the defendant's own expense, a boating safety course approved by the State Marine Board under ORS 830.084 within the time limits imposed by the court. [1999 c.716 §14; 2001 c.104 §313]

Note: 830.096 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

STATE MARINE BOARD

830.100 Boating safety policy. It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of boats and to promote uniformity of laws relating thereto. [Formerly 488.710]

830.105 State Marine Board. (1) There hereby is created the State Marine Board consisting of five members to be appointed by the Governor and to serve at the pleasure of the Governor.

(2) Each member shall be a resident of this state, a citizen of the United States, and at the time of appointment shall have resided in this state for at least one year.

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. [Formerly 488.825]

830.110 Powers and duties of board; rules. In addition to the powers and duties otherwise provided in this chapter, the State Marine Board shall have the power and duty to:

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

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

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

(4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870.

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

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

(7) Publicize the advantage of safe boating.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) For purposes of ORS 830.175, 830.180, 830.185, 830.187 and 830.195, in cooperation with the State Aviation Board, regulate boats that are seaplanes as provided in ORS 830.605 and 835.200. [Formerly 488.830; 1991 c.759 §6; 1991 c.931 §1; 1995 c.655 §9; 2001 c.104 §315; 2003 c.14 §501; 2007 c.147 §1; 2009 c.595 §1151; 2013 c.186 §5]

830.115 Boating survey. The State Marine Board shall at least once every three years conduct a survey of owners and others to determine, by county, the kinds of boating activity on the various waters of the state during different periods of the year. Boating activity in a county shall be determined by taking into consideration the number and kinds of boats engaging in different boating activities in the county and the number of days during the last fiscal year that such activities were carried on in the county. The

board may also consider other factors relating to the enforcement of boating safety and traffic regulations provided by this chapter and the regulations adopted pursuant thereto. [Formerly 488.833]

830.120 Term; vacancies. The term of office of a member is four years beginning on July 1 of the year of appointment. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the Governor shall appoint a successor to assume duties on July 1 at the expiration of the predecessor's term. A vacancy in office shall be filled by appointment for the unexpired term. [Formerly 488.840]

830.125 Compensation and expenses. Members of the State Marine Board are entitled to compensation and expenses as provided in ORS 292.495. [Formerly 488.845]

830.130 Officers; quorum; meetings. The State Marine Board shall select one of its members as chairperson and another as secretary, each of whom shall hold office for one year, or until the selection of a successor. Three members of the board constitute a quorum for the transaction of business. The board shall meet at least once every three months at a place, day and hour determined by the board. The board shall also meet at such other times and places as are specified by the call of the chairperson or of three members of the board. [Formerly 488.850]

830.135 State Marine Director. (1) The State Marine Board shall appoint a State Marine Director who shall serve at the pleasure of the board.

(2) The director shall devote full time to the duties of the office. With the approval of the board, the director shall:

(a) Administer the numbering, certifying, recording and licensing duties of the board.

(b) Perform any other duties assigned by the board.

(c) Hire subordinate employees and fix their compensation. [Formerly 488.855]

830.137 Disposition of funds received through Clean Vessel Act and through Boating Infrastructure Grant Program; priority. (1) In addition to the powers and duties otherwise provided in this chapter, the State Marine Board shall have the power and duty to make grants from funds received through the Clean Vessel Act of 1992, 16 U.S.C. 777c and 777g, P.L. 102-587, and through the Boating Infrastructure Grant Program, as established by the Sportfishing and Boating Safety Act of 1998, 16 U.S.C. 777g-1, P.L. 105-178, to eligible public agencies as provided in ORS 830.150. In addition,

these funds may be distributed to eligible private marina or moorage facilities that are open and available for public use for the construction and operation of boat waste collection facilities.

(2) In distributing funds from the Clean Vessel Act of 1992, the board shall give first priority to public boating facilities. Distribution of funds from the Clean Vessel Act of 1992 shall be made on the basis of need as that need appears to the board. [1995 c.14 §2; 2013 c.147 §1]

830.140 Boating Safety, Law Enforcement and Facility Account; sources; disposition; enforcement by cities and counties. (1) On or before the 10th day of each month, the State Marine Board shall pay into the State Treasury, except as provided in ORS 830.948, all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the Boating Safety, Law Enforcement and Facility Account, which account hereby is created, separate and distinct from the General Fund. The moneys in the account hereby are continuously appropriated to the board for the purpose of paying the expense of administering and enforcing the provisions of this chapter. The board shall keep a record of all moneys received and expended.

(2) After paying the necessary expenses incurred by the board in administering this chapter, the funds available in the account shall be distributed, in the amounts required, for the purpose of enforcing the provisions of this chapter and the regulations adopted pursuant thereto. The board shall determine the amount required for enforcement in each county, considering the survey conducted under ORS 830.115. The funds available shall be apportioned according to the amounts required and distributed, for enforcement in each county where there is a need, under a contract entered into with a city, with the Department of State Police or with the sheriff of the county. A contract with a city or a sheriff shall be entered into only with the approval of the governing body of the city or county. The board shall determine the intervals at which the moneys shall be distributed.

(3) The governing body of any county having within its boundaries a city providing recreational boating facilities including launching ramps, may contract with the city for the purpose of enforcing the provisions of this chapter and the rules and regulations made pursuant thereto.

(4) If the city enters into a contract with the board or with a county, the county is

relieved of its enforcement responsibilities within the city as agreed to by the county and the city or by the board and the city. [Formerly 488.860; 2003 c.693 §3]

830.145 [Formerly 488.865; 1987 c.905 §24; 1999 c.1051 §298; repealed by 2011 c.597 §118]

830.150 Disbursement of funds for boating facilities; priorities; water quality protection; hearing. (1) Amounts remaining in the Boating Safety, Law Enforcement and Facility Account in excess of funds obligated under ORS 830.140 (2) shall be distributed, upon application, to a federal agency, the state, a city, county, water improvement district, park and recreation district or a port. Distribution shall be made on the basis of need for a facility as that need appears to the State Marine Board.

(2)(a) In distributing funds under subsection (1) of this section, the board shall give first priority to applications for facilities designed to control water pollution or otherwise enhance water quality, including but not limited to pumping stations for recreational boat holding tanks, and to those other facilities for which there appears the greatest public need.

(b) Subject to paragraph (a) of this subsection, the board may distribute funds for:

(A) Construction and maintenance of boating facilities, for the acquisition of property therefor, and other related facilities such as parking, potable water, sanitation and other facilities for the convenience of the public using the boating facilities; and

(B) Removal of derelict structures floating upon and abandoned dock or boat mooring facilities situated in, upon or over the waters of this state if such structures or facilities constitute a hazard to boating upon such waters.

(3) Prior to making any distribution of funds under this section, the board shall hold a public hearing in the area where a facility is to be constructed or land acquired if in the judgment of the board, use of the facility would stimulate significant change in the character of the recreational use of the waters.

(4) The board shall make no distribution of funds under this section for construction or acquisition if in the judgment of the board the applicant has not included in the construction or acquisition plans adequate provision for protecting the quality of the waters affected by the plans. The board's denial of any application under this subsection must include specific notice to the applicant of the point or points of the plan that are found by the board to be inadequate. [Formerly 488.875; 2013 c.147 §2]

830.155 Revolving fund; limit. A revolving fund not to exceed \$2,500 may be established within the State Marine Board from funds available under section 1 (1), chapter 84, Oregon Laws 1991. This revolving fund may be used for payment of state claims appropriately authorized by the State Marine Board not to exceed \$50 per transaction. The fund shall be replenished periodically through charges made for such purchases to appropriate accounts or funds. [1991 c.84 §4]

Note: 830.155 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

830.160 Board authority to remove obstructions from water. In addition to any other authority to promote safe boating pursuant to this chapter, the State Marine Board may cause the removal of any obstruction consisting of logs, rocks or other debris resulting from natural causes from the waters of this state if the board finds the obstruction to be an extraordinary hazard to boating safety. The board may pay the cost of such removal from amounts reserved therefor in the account created by ORS 830.140. [Formerly 488.883]

830.165 Boating safety educational program; youthful boat operator program. (1) In order to protect the public interest in the prudent and equitable use of the waters of this state and enhance the enjoyment of pleasure boating and other recreational water sports thereon, the State Marine Board shall establish and pursue comprehensive educational programs designed to advance boating safety.

(2) The board shall put into effect a program to train youthful boat operators. For the purpose of giving the courses of instruction, the director may designate as the agent of the director any person the director deems qualified to act in such capacity. No charge shall be made for any instruction given. [Formerly 488.200]

830.170 Agreements with other jurisdictions. The State Marine Board is authorized to enter into bilateral, reciprocal agreements with other jurisdictions to provide mutual assistance in the disposition of boating offenses committed by residents of one jurisdiction while in the other jurisdiction. [1991 c.590 §4]

830.172 County boat use permit program review. (1) In addition to those powers and duties set forth in ORS 830.110, the State Marine Board shall review county boat use permit programs, adopted by county ordinance, for approval or denial.

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

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

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

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

(A) Use of funds;

(B) Amount of fee;

(C) Administration; and

(D) Enforcement; and

(d) Boats with a current, valid certificate of number issued by the board under ORS 830.795 and manually propelled vessels are exempt from county boat use permits. [1991 c.590 §1]

REGULATIONS FOR SPECIFIC AREAS

830.175 Regulations for specific areas; rules. (1) The State Marine Board, upon consideration of the size of a body of water and traffic conditions, may make special regulations consistent with the safety and the property rights of the public or when traffic conditions become such as to create excessive congestion, relating to the operation of boats in any waters within the territorial limits of any political subdivision of this state. The regulations may include, but need not be limited to, the establishment of designated speeds, the prohibition of the use of motorboats and the designation of areas and times for testing racing motorboats.

(2) The governing body of a political subdivision of this state may apply to the board for special regulations relating to the designation of moorage areas on lakes or reservoirs which are under the jurisdiction of a public agency, or to the operation of boats on the waters within the territorial limits of the political subdivision. Within a reasonable time, the board shall act upon the application in the manner provided in subsection (1) of this section. When special regulations have been established within a political subdivision in accordance with this subsection, the governing body shall establish and maintain the navigational markers prescribed by the board.

(3) The board may make special regulations relating to the operation of boats, including the establishment of designated speeds and prohibition of the use of motorboats for the protection of game and game fish at the request of the State Fish and Wildlife Commission, or for carrying out the provisions of the federal Wild and Scenic

Rivers Act, Public Law 90-542, and the Oregon Scenic Waterways Act, ORS 390.805 to 390.925. Action necessary to implement this section, including but not limited to the operation and manner of operation of boats, shall be by a permit system initiated by the board.

(4) The board may designate certain rivers or sections of rivers as hazardous. In making such designations, the board may consider recommendations of guide associations incorporated in this state.

(5) Regulations regarding operation of boats pursuant to this section shall be adopted in accordance with the provisions of ORS chapter 183.

(6) Any speeds in excess of the speeds designated by the board, as provided in this section, shall be prima facie evidence of the violation of ORS 830.315. [Formerly 488.600]

830.180 Use of motors prohibited on certain lakes; exceptions. No person, other than the Department of State Police and governmental agencies of this state and the federal government having jurisdiction over the following described waters, shall use a motor for propelling a boat or for any purpose on the following named waters of this state located in the counties named:

| <u>Counties</u> | <u>Lakes, Reservoirs and Rivers</u> |
|-----------------|--|
| Clackamas | Trillium Lake |
| Deschutes | Charlton, Devils, Irish, Lucky, North and South Twin, Taylor, Three Creek and Todd Lakes |
| Douglas | Opal and Timpanagos Lakes |
| Hood River | Lost Lake |
| Jackson | Squaw Lakes |
| Jefferson | Horseshoe, Dark and Olallie Lakes, and on that portion of the Deschutes River between Pelton Dam and the Wasco County line |
| Lane | Gold Lake |
| Linn | Clear Lake |
| Marion | Breitenbush Lake |
| Wasco | Frog Lake, and on that portion of the Deschutes River border- |

ing the Warm Springs Indian Reservation

[Formerly 488.610]

830.185 Speed restrictions in certain areas. (1) A person may not operate a boat with an outboard or inboard motor at a speed in excess of 10 miles per hour during those hours of the day and on those days of the year that it is lawful to fish, on East Lake, Paulina Lake and Elk Lake in Deschutes County; Magone Lake in Grant County; Timothy Lake in Clackamas County; and Davis Lake in Deschutes and Klamath Counties.

(2) A person may not operate a boat with an outboard or inboard motor at a speed in excess of 10 miles per hour on the following named waters of this state located in the counties named:

| <u>Counties</u> | <u>Lakes and Reservoirs</u> |
|-----------------|---|
| Clackamas | On that portion of the waters of the reservoir known as North Fork Reservoir which lies upstream from a line drawn across the reservoir at right angles to the thread of the stream at a point 2.3 miles upstream from the North Fork Dam measured along the thread of the stream |
| Deschutes | Hosmer, Lava, Little Cultus, Little Lava, Sparks Lakes and Crane Prairie Reservoir |
| Jefferson | On that portion of the waters behind Pelton Dam, known as Lake Simtustus, which lies upstream from a line drawn across the lake at right angles to the thread of the stream at a point 0.85 miles upstream from the Pelton Dam measured along the thread of the stream |
| Klamath | That portion of Upper Klamath Lake that lies west of a line beginning at a point on the north shore of Pelican Bay one-quarter mile east of Crystal Creek and extending due south to the opposite shore of the lake; any stream, creek or |

canal that leads into the portion of Upper Klamath Lake described above including Crystal Creek, Recreation Creek and Four-Mile Creek, also known as Harriman Creek

| | |
|-------|----------------------------------|
| Linn | Smith and Trailbridge Reservoirs |
| Wasco | Clear Lake |

(3)(a) The State Marine Board shall establish an appropriate decibel rating and speed restriction on Diamond Lake in Douglas County to allow recreational boating that is not limited to fishing. Recreational boating does not include operating a jet ski or similar personal watercraft. The speed established by the board:

(A) May not exceed 45 miles per hour between the hours of 9 a.m. and 6 p.m.;

(B) May not exceed 10 miles per hour between the hours of 6 p.m. and 9 a.m.; and

(C) Shall be restricted to 10 miles per hour at all times in any area within 200 yards of any boat ramp, boat dock, swimming area, inlet or outlet of the lake, designated campground or summer home.

(b) The board shall reduce the speed restriction on Diamond Lake to 10 miles per hour at all hours when the State Fish and Wildlife Director determines that the health of Diamond Lake is restored and the lake can be restocked for fishing. [Formerly 488.620; 1995 c.79 §383; 1999 c.252 §2; 2013 c.186 §3]

830.187 Restrictions for Waldo Lake.

(1) Except as provided in subsections (2) and (3) of this section, a person may not use a motor to propel a boat on Waldo Lake or use a seaplane to land on or take off from Waldo Lake.

(2) Subsection (1) of this section does not apply to the Department of State Police and any other public body, as defined in ORS 174.109, that has jurisdiction over the lake.

(3) Subsection (1) of this section does not apply to boats propelled by an electric motor when operated at a speed of less than 10 miles per hour. [2013 c.186 §2]

830.190 Temporary suspension of speed restrictions. The governing body of a political subdivision of this state may apply to the State Marine Board for a temporary suspension of a speed restriction on a specific body of water within the territorial

limits of the political subdivision and, after a hearing upon notice, the board may suspend the restriction, such suspension not to exceed 72 hours. [Formerly 488.625]

830.195 Board to protect traditional boating uses and prevent user conflicts.

In addition to any other authority to regulate boating activities pursuant to this chapter, the State Marine Board may regulate and restrict boating activities to protect traditional boating uses and to prevent boating user conflicts. [Formerly 488.880]

830.200 County boat use permits. (1)

Except as otherwise provided in this section, it is unlawful to operate a boat on the waters of this state if a county requires a boat use permit to do so and the operator of the boat has not obtained the permit.

(2) Notwithstanding the provisions of subsection (1) of this section, a resident of the State of Idaho may operate a boat on the waters of this state without a boat use permit. The provisions of this subsection do not become operative until laws, rules or regulations of the State of Idaho become operative that, in substance or effect, contain provisions which make lawful engaging in boating without obtaining a boat use permit or paying a fee to operate a boat. This subsection remains operative only while such laws, rules or regulations remain operative. [1991 c.590 §3]

EQUIPMENT REQUIREMENTS

830.210 Operating improperly equipped boat prohibited.

No person shall operate or give permission for another person to operate a boat which is not equipped as required under ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490. [Formerly 488.024]

830.215 Personal flotation devices;

rules. (1) All boats must carry at least one United States Coast Guard approved personal flotation device in good and serviceable condition for each person on board. Each device must be of an appropriate size for the person for whom it is intended and must be readily accessible whenever the boat is in use. As used in this subsection, a personal flotation device is not "readily accessible" if it is stowed in a locked compartment or locker or is otherwise not immediately, physically available to persons on board the boat in case of an emergency.

(2) The State Marine Board by rule shall classify types of personal flotation devices and specify which types are approved for various classes of vessels. The rules must be consistent with, but may not exceed those regulations promulgated by the United States Coast Guard.

(3) Notwithstanding the classification by the State Marine Board of the types of personal flotation devices approved for various classes of vessels pursuant to subsection (2) of this section, a person operating a boat on any section of waters rated class III or higher on a commonly accepted scale of river difficulty, and all passengers in the boat, shall wear a properly secured personal flotation device. The personal flotation device must be of a type prescribed by rules adopted by the State Marine Board. [Formerly 488.031; 2009 c.85 §1]

830.220 Fire extinguishers; rules. (1) Every motorboat shall carry on board, fully charged and in good condition fire extinguishers of a type required by the board by rule.

(2) The State Marine Board shall make rules for fire extinguishers in accordance with ORS chapter 183.

(3) When the board makes rules under this section it may consider fire extinguisher requirements and standards adopted by the United States Coast Guard. [Formerly 488.090]

830.225 Lights; rules. On all waters of the state, every boat shall carry and exhibit the lights required by rules promulgated by the State Marine Board. Such rules shall be designed to prevent collisions and generally promote boating safety. In promulgating such rules the board may consider lighting requirements and standards adopted by the United States Coast Guard and by federal statutes. [Formerly 488.041]

830.230 Sound signaling devices; rules. (1) Each boat shall carry on board, in good and serviceable condition, sound signaling devices of a type required by the board by rule.

(2) The board shall make rules for sound signaling devices in accordance with ORS chapter 183.

(3) When the board makes rules under this section, it may consider sound signaling requirements and standards adopted by the United States Coast Guard. [Formerly 488.063]

Note: 830.230 was enacted into law by the Legislative Assembly but was not added to and made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

830.235 Carburetors. Carburetors on all engines of motorboats, other than outboard motors, shall be fitted with a U. S. Coast Guard approved device for arresting backfire. [Formerly 488.071]

830.240 Ventilation systems; rules. (1) Motorboats using fuel having a flashpoint of 110 degrees Fahrenheit or less shall have ventilating systems that meet standards pro-

vided by the State Marine Board for the purpose of properly and efficiently ventilating the bilges of every engine and fuel compartment in order to remove any inflammable or explosive gases.

(2) The board may, in accordance with ORS chapter 183, adopt regulations providing standards for ventilating systems. Motorboats so constructed as to have the greater portion of the bilges under the engines and fuel tanks open and exposed to the natural atmosphere at all times are not required to be fitted with ventilators. [Formerly 488.080]

830.245 Safety devices on boat operated in tidewater; rules. No person shall operate a boat in the waters of this state which rise and fall with the ebb and flow of the tide unless the boat is equipped with safety devices of a type prescribed by regulations of the State Marine Board made in accordance with ORS chapter 183. [Formerly 488.092]

830.250 Additional equipment; rules. The State Marine Board may require by rule that all boats or any class of boats shall carry or install additional equipment which in the opinion of the board is necessary for the safety of persons and property. The rules shall be made in accordance with ORS chapter 183 and, to the extent considered by the board to be consistent with safety of persons and property, shall equal or exceed the regulations promulgated by the United States Coast Guard. [Formerly 488.094]

830.260 Muffling devices. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle or suppress the noise of the exhaust in a reasonable manner. The use of cutouts or open exhaust stacks is prohibited, except:

(1) On motorboats competing in a regatta, race or trial for speed records authorized as provided in ORS 830.375.

(2) On racing motorboats while the boat or equipment on the boat is being tried or tested in compliance with ORS 830.350. [Formerly 488.052]

830.270 Notice to board on noise violation charge; board to supply information to court; suspension of certificate. (1) Before hearing any charge for violation of ORS 830.260, a court shall notify the State Marine Board of the name of any person cited for violation of ORS 830.260 and the number of any boat used in the alleged violation.

(2) Upon receipt of a notification under subsection (1) of this section, the board shall:

(a) Notify the court of whether the person cited is the owner of the boat; and

(b) If the person is not the owner of the boat, notify the boat owner that the certificate of number of the boat will be suspended under ORS 830.815 if the person cited for operating the boat is convicted and there is no evidence to satisfy the court that the boat has been brought into compliance with standards for sound levels established by the board for purposes of ORS 830.815.

(3) At a hearing for violation of ORS 830.260, the court shall allow the owner of the boat used in the violation to show that the boat has been brought into compliance with standards for sound levels established by the board.

(4) If a court finds that a person has operated a boat in violation of ORS 830.260, the court shall provide the board with information necessary to suspend the certificate of number for the boat under ORS 830.815 unless evidence has been presented to the satisfaction of the court that the boat has been brought into compliance with the standards for sound levels established by the board. [Formerly 488.055]

BOATING OPERATIONS

830.300 Operating boat in violation of chapter prohibited. No person shall operate a boat in violation of any provision of this chapter. [Formerly 488.023]

830.305 Unsafe operation. A person commits the crime of unsafe operation of a boat if the person operates a boat in a manner that endangers or would be likely to endanger any person or property. [Formerly 488.099]

830.315 Reckless operation; speed. (1) A person commits the crime of reckless operation of a boat who operates a boat carelessly and heedlessly in willful or wanton disregard of the rights, safety or property of others.

(2) No person shall operate any boat at a rate of speed greater than will permit that person in the exercise of reasonable care to bring the boat to a stop within the assured clear distance ahead.

(3) Nothing in ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 is intended to prevent the operator of a boat actually competing in an event which is authorized as provided in ORS 830.375 from attempting to attain high speeds on a marked racing course. [Formerly 488.100]

830.325 Operating boat while under influence of intoxicating liquor or controlled substance. (1) No person under the influence of an intoxicating liquor or controlled substance shall operate, propel or be

in actual physical control of any boat on any waters of this state.

(2) No owner of a boat or person in charge or in control of a boat shall authorize or knowingly permit the boat to be propelled or operated on any waters of this state by any person who is under the influence of an intoxicating liquor or a controlled substance. [Formerly 488.160; 1991 c.931 §4]

830.330 Liability of owner for negligent operation of boat. (1) The owner of a boat shall be liable for the negligent operation of the boat in the same manner and to the same extent as the owner of a motor vehicle is liable under the rule of law which holds one person liable for the act of another who operates a motor vehicle for a family purpose.

(2) Subsection (1) of this section does not apply in actions in which courts of admiralty have jurisdiction. [Formerly 488.178]

830.335 Operator to maintain lookout. The operator of a boat shall keep a proper lookout at all times while underway. [Formerly 488.101]

830.340 Navigation rules. (1)(a) Except as provided by paragraph (b) of this subsection, when two boats are approaching each other "head on" or nearly so (so as to involve risk of collision), each boat shall bear to the right and pass the other boat on its left side.

(b) On rivers, or those sections of rivers, which are state waters, boats proceeding downstream shall have the right of way over boats proceeding upstream.

(2) When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.

(3) One boat may overtake another on either side but shall grant right of way to the overtaken boat. [Formerly 488.110]

830.345 Traffic lanes; swim areas. (1) No person shall so anchor a boat for fishing or other purposes on any body of water over which the state has jurisdiction in such a position as to obstruct a passageway ordinarily used by other boats.

(2) No person shall operate a boat within a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area. [Formerly 488.120]

830.350 Testing racing motorboat. (1) No person shall operate a racing motorboat, for the purpose of trying or testing the boat or equipment on the boat, in any areas or during the time when one of the following conditions exist:

(a) Where boats are anchored.

(b) Where people are swimming.

(c) Near populated beaches.

(d) Among water-skiers.

(e) Among boats underway.

(f) Where persons or property will be endangered because the area is otherwise congested.

(g) Where persons or property will be disturbed or endangered because the waters on which the boat is operated are within a residential area.

(2) Subject to subsection (1) of this section, motorboats may be operated on public waters without effective muffling devices as required by ORS 830.260, for the purpose of trying or testing the equipment on the boat, in areas and during times designated by the State Marine Board by regulations adopted under ORS 830.175.

(3) Within any county in which areas and times for trying or testing boats or the equipment on boats have been designated by the board under ORS 830.175, if a person wishes to operate a boat for such a purpose on public waters within the county, outside the designated testing area, the person shall apply to the sheriff of the county for a permit to do so. The permit, which may be issued upon application, shall be conditioned upon compliance with subsection (1) of this section, and shall designate the areas where and the times when the boat may be operated for such purpose. Provided, however, the sheriff in issuing such a permit may waive subsection (1)(g) of this section if the boat being tested is muffled in accordance with ORS 830.260. [Formerly 488.102]

830.355 Overloading. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions. [Formerly 488.130]

830.360 Riding on bow, gunwale or transom. (1) No person operating a motorboat shall allow any person to ride or sit on the deck over the bow of the boat while under way unless the motorboat is provided with adequate guards or railing.

(2) No person operating a motorboat shall allow any person to ride or sit on the starboard or port gunwales or on the transom of the boat while underway at a speed in excess of five miles per hour unless the motorboat is provided with adequate guards or railings.

(3) No person operating a motorboat shall allow any person to ride or sit on the bow, gunwale or transom railings while underway.

(4) Nothing in subsection (1) or (2) of this section:

(a) Is intended to prevent passengers or other persons aboard a boat from standing on the bow of the boat in order to moor the boat to a mooring buoy, float or dock or to cast off from such a buoy, float or dock or for any other necessary purpose; or

(b) Applies to a boat rigged and equipped as a sailboat when operating under sail power. [Formerly 488.140]

830.362 Operating motorboat with person holding on to or occupying parts aft of transom. (1) A person may not operate a motorboat or have the motorboat engine idle while any person holds on to or occupies any portion of the motorboat that is located aft of the transom of the motorboat, including a step, ladder, platform or deck, in order to:

(a) Ride on that portion of the motorboat while the motorboat is under way at any speed; or

(b) Be pulled by the motorboat while holding on to any portion of the motorboat that is located aft of the transom, including a step, ladder, platform or deck.

(2) Notwithstanding subsection (1) of this section, a person may operate a motorboat or have the motorboat engine idle with a person holding on to or occupying for a brief period of time a step, ladder, platform or deck that is located aft of the transom if that person is:

(a) Assisting in the docking or departure of the motorboat;

(b) Exiting or entering the motorboat; or

(c) Engaging in law enforcement activities. [2005 c.299 §2]

830.365 Waterskiing, surfboarding and similar activities. (1) No person shall ride or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger any person or property.

(2) No person shall operate a boat for the purpose of towing a person on water skis, surfboard or similar device, and no person shall engage in waterskiing, surfboarding or similar activity at any time after sunset and before sunrise. This subsection does not apply to a person while engaged in a professional exhibition or to a person engaged in an activity authorized under ORS 830.375.

(3) No person shall operate or manipulate any boat, tow rope or other device by which the direction or location of a person on water skis, surfboard or similar device may be affected or controlled in a reckless or negligent manner so as to cause the person on water skis, surfboard or similar device to collide with or strike against any person or object.

(4) No person shall ride or manipulate any water skis, surfboard or similar device while under the influence of an intoxicating liquor or a controlled substance.

(5) No person shall operate a boat on any waters of this state, towing a person on water skis, aqua-plane, surfboard, saucer, or similar device, unless there is in the boat another person, in addition to the operator, who is in a position to continuously observe the person being towed.

(6) Notwithstanding subsection (5) of this section, persons operating a boat to tow a water-skier in an authorized competitive marine event, or engaged in practicing for a competitive water ski event on a water ski course authorized by the State Marine Board, may use either a curved, rearview mirror or another person, in addition to the operator, to continuously observe the person being towed.

(7) No person shall operate any boat used for towing water skis, surfboards or similar devices on the waters of this state unless the boat is equipped with and displays a warning flag as follows:

(a) The warning flag, also known as the "skier down" flag, shall be international orange or red in color and shall be at least 12 inches in height and 12 inches in width.

(b) When any person being towed by the boat becomes disengaged from the towline and is down in the water, a person in the boat shall immediately display the warning flag aloft, visible from all sides, as an indicator to other boats in the area that a person is down in the water. As long as the downed person is in the water, the flag shall remain displayed to prevent danger to that person and hazards to passing boats.

(c) The warning flag described in this section shall be displayed only under the conditions set forth in paragraph (b) of this subsection or when other imminent danger exists. [Formerly 488.144; 1993 c.589 §1]

830.370 Mooring to buoys and beacons; defacing or destroying navigational markers. (1) No person shall moor a boat to any of the buoys or beacons placed in any waters of this state by the authority of the United States, an agency of the United States or by the State Marine Board nor in any manner hang on with a boat to such buoy or beacon.

(2) No person shall deface, remove or destroy any buoy, beacon or other navigational marker maintained in the waters of this state.

(3) This section does not apply to any action prohibited by ORS 783.610 regarding a buoy or beacon established or erected by

the United States Coast Guard. [Formerly 488.150]

830.375 Authorization required to hold marine event; rules. (1) At least 30 days before holding a regatta, boat race, marine parade, tournament or exhibition on the waters of this state, the person who will be in charge of the event shall apply to the State Marine Board for authorization to hold the event.

(2) The board shall provide by regulation the manner of applying for and granting authorization and shall approve all applications for authorization which are consistent with the safety and pleasure of the public.

(3) The board may make rules and regulations restricting the operation of boats necessary to insure safety two hours prior to, during and two hours after the approved event.

(4) No person shall hold a regatta, boat race, marine parade, tournament, trial for speed records or exhibition on the waters of this state, unless the authorization of the board has been secured, except that the board's authorization is not required if authorization or the equivalent has been secured from an appropriate agency of the United States.

(5) An authorization by the board does not exempt a person holding an event from compliance with applicable federal law. [Formerly 488.108]

830.380 Peace officer authority to remedy especially hazardous condition. (1) When a peace officer observes a boat being operated on the waters of this state in an especially hazardous condition and determines that continuance of the voyage of the boat could place the occupants in imminent danger, the peace officer may order the operator of the boat to take immediate and reasonable steps to remedy the especially hazardous condition, including but not limited to directing the operator to move to a moorage and remain there until the especially hazardous condition is remedied.

(2) For purposes of this section, an especially hazardous condition is limited to the following conditions:

(a) Improper or insufficient personal flotation devices in violation of ORS 830.215;

(b) Improper or insufficient fire extinguishers in violation of ORS 830.220;

(c) Improper or insufficient backfire arresting devices on carburetors in violation of ORS 830.235;

(d) Improper or insufficient navigation lights in violation of ORS 830.225 if found between sunset and sunrise;

(e) Overloading in violation of ORS 830.355;

(f) Overpowering; or

(g) Leakage of fuel from the boat engine, fuel system or bilge. [1997 c.568 §2]

Note: 830.380 to 830.385 were added to and made a part of ORS chapter 830 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

830.383 Person required to remedy especially hazardous condition. A person may not intentionally disobey a lawful order to take immediate and reasonable steps to remedy an especially hazardous condition that is issued under ORS 830.380 by another person known by the person to be a peace officer. [1997 c.568 §3]

Note: See note under 830.380.

830.385 Commercial fishing boats exempt from regulation of especially hazardous condition. ORS 830.380 and 830.383 do not apply to commercial fishing boats. [1997 c.568 §4]

Note: See note under 830.380.

830.390 Minimum equipment and safety requirements for vessels engaged in Klamath Lake plankton fishery. (1) In addition to any other authority to regulate boats and equipment, the State Marine Board shall require that any vessel engaged in the Klamath Lake plankton fishery and any associated watercraft meet minimum equipment and safety requirements prescribed by the board.

(2) In adopting rules necessary to implement subsection (1) of this section, the board:

(a) Shall consult with vessel owners; and

(b) May not exceed regulations promulgated by the United States Coast Guard for equivalent classes of vessels and associated watercraft. [1997 c.737 §5]

Note: 830.390 was added to and made a part of ORS chapter 830 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

RENTAL, CHARTER OR LIVERY GENERALLY

830.410 Operator of boat livery to provide properly equipped boats. No operator of a boat livery shall permit any boat the operator rents to depart from the livery premises unless the boat is equipped as provided under ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490. [Formerly 488.025]

830.415 Records of operator of boat livery. The operator of a boat livery shall make and preserve for at least six months a written record of:

(1) The name of each person who hires a boat from the livery.

(2) The identifying number of the boat.

(3) The date on which the boat is hired, and the hour of departure from the livery.

(4) The expected date and hour of return.

(5) The date and hour of return. [Formerly 488.098]

830.420 Minimum equipment requirements for rental or charter boats; rules; inspection; cancellation or revocation of certificate for failure to comply. (1) The State Marine Board shall provide by rule minimum equipment requirements for boats rented or chartered to the public. The rules shall be made in accordance with ORS chapter 183.

(2) Designated representatives of the board may annually inspect all rental or charter boats to check for the equipment required by the board. Any inspections conducted shall be coordinated with other state and federal agencies to minimize duplication of vessel inspections and boardings.

(3) After a hearing upon 10 days' notice to the owner of the boat, the board may cancel or revoke the certificate of number for any boat rented or chartered to the public if it does not equal or exceed the minimum equipment requirements provided by the board. [Formerly 488.026]

CHARTER BOAT REGULATION

830.430 Definitions for ORS 830.430 to 830.465 and 830.997. As used in ORS 830.430 to 830.465 and 830.997:

(1) "Charter boat" means a boat used to carry seven or more passengers for hire for angling, sightseeing or other recreational purposes.

(2) "Charter boat" does not include a "passenger vessel" or "small passenger vessel," as defined by the State Marine Board by rule, that:

(a) Has been inspected and documented by the United States Coast Guard;

(b) Carries more than 12 passengers for hire; and

(c) Operates east of the demarcation lines described in the International Collision Regulations at Sea of 1972 on waters identified by the board by rule. [1989 c.885 §2; 2013 c.146 §1]

830.435 Charter boat license; reciprocity with Washington license holders. (1) Except as otherwise provided in this section, a person may not engage in the business of carrying seven or more passengers for hire for angling, sightseeing or other recreational purposes on the waters of this state without

first obtaining a charter boat license from the State Marine Board.

(2) A person who holds a valid license or registration issued by the State of Washington may engage in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in this state without obtaining a charter boat license from the board if:

(a) The person operates a charter boat that leaves from and returns to a port in the State of Washington;

(b) The person operates the charter boat within the jurisdiction of the State of Oregon in the Pacific Ocean north of Cape Falcon, or in the Columbia River; and

(c) The State of Washington adopts provisions that allow a person to engage in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes with a valid Oregon charter boat license within the jurisdiction of the State of Washington in the Pacific Ocean south of Leadbetter Point, or in the Columbia River. [1989 c.885 §3; 1993 c.132 §1; 2005 c.115 §§2,4; 2007 c.148 §2; 2013 c.146 §4]

830.437 Licensing; safety standards; rules. The State Marine Board shall adopt rules establishing:

(1) Licensing requirements for operators of charter boats; and

(2) Safety standards for charter boats. [2013 c.146 §3]

830.440 License application; contents; fees; bond or financial security; transfer of license; rules. (1) An individual who desires to obtain a charter boat license shall submit a written application to the State Marine Board. The application shall include information regarding the charter boat and copies of documents and licenses regarding operation of the charter boat as required by the board by rule. The application shall be accompanied by proof that the applicant has protection against liability imposed by law covering occurrences by the operator of the charter boat, and the employees of the operator, for the payment of damages for bodily injury or death in the minimum amount of \$500,000 per occurrence, at any time while engaged in carrying passengers for hire. The applicant shall certify that the charter boat complies with the equipment requirements established by the board under ORS 830.450.

(2) With an application submitted under subsection (1) of this section, an applicant for a charter boat license must provide evidence of the charter boat's carrying capacity in the form of a certificate issued by the boat manufacturer or the United States Coast Guard or through a process established by the board by rule.

(3) The annual fee for a charter boat license is:

(a) For charter boats owned by residents of this state if the charter boat has license, title and number issued pursuant to ORS chapter 830, \$50.

(b) For charter boats owned by residents of this state if the charter boat has a valid marine document issued by an agency of the federal government, \$100. Payment of a fee under this paragraph is in lieu of any other fee or tax imposed by the State of Oregon for possessing, owning or operating a charter boat.

(c) For charter boats owned by persons who reside in a state that requires Oregon residents to pay a license fee to operate a charter boat in the waters of that state, the same fee that is charged Oregon residents to operate a charter boat in the state where the nonresident applicant resides.

(d) For all charter boats owned by non-residents other than those described in paragraph (c) of this subsection, \$100.

(4)(a) A person who applies for a license to operate a charter boat and who accepts deposits from clients in excess of \$100 per person or whose agent accepts such deposits, shall submit a bond or other financial security in the amount of \$5,000 to the board at the time of application. The bond or other financial security shall be held by the board for the benefit of clients of the licensee who pay a money deposit to the licensee or the licensee's agent in anticipation of services to be received. The bond or other financial security amount shall be released to such client or clients conditioned upon a failure of the licensee or the licensee's agent to return the deposit following cancellation of services or other failure to provide agreed upon services.

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

(5) A license issued pursuant to this section is transferable to a replacement charter boat of the license holder and is transferable to the purchaser of the charter boat when the charter boat is sold. [1989 c.885 §4; 1995 c.759 §3; 2007 c.148 §3; 2013 c.146 §5]

830.445 Liability insurance form; notice to board upon termination of coverage; license suspension for failure to maintain insurance. (1) The liability protection required by ORS 830.440 shall be provided in one of the following ways:

(a) By a policy or policies of bodily injury liability insurance described as protection and indemnity insurance in the Standard

American Institute Hull Form, issued by an insurer authorized by ORS chapter 731 to transact such insurance in this state.

(b) By a bond or bonds, issued by a surety company or companies, authorized by ORS chapter 731 to transact such business in this state.

(c) By evidence of insurance issued on behalf of Lloyds of London by an insurance broker authorized by ORS chapter 731 to transact such business in this state.

(d) By any other evidence of liability protection approved by the State Marine Board.

(2) If the provider of liability protection cancels or refuses to renew the protection, the provider, not less than 30 days prior to the effective date of termination of the protection, shall notify the board in writing of the termination and its effective date. Upon receipt of a liability protection termination notice, the board shall send written notice to the charter boat operator that the board will suspend that person's charter boat license unless proof of liability protection required by ORS 830.440 is filed with the board prior to the effective date of the proposed liability protection termination. The board may suspend a charter boat license if the licensee fails to maintain in full force and effect the liability protection required by ORS 830.440. A license that has been suspended pursuant to this section may not be reinstated until proof of liability protection required by ORS 830.440 has been filed with the board. [1989 c.885 §11; 2013 c.146 §6]

830.450 Equipment requirements; rules. The State Marine Board shall establish by rule the equipment that a charter boat must carry to operate in this state. The board shall consider requiring a charter boat to carry the following types of equipment:

(1) If the charter boat operates on navigable waters of the United States not more than 20 miles from the nearest port:

(a) First-aid kit.

(b) Automatic bilge warning light or bell for high water condition, audible or visible from each steering station.

(c) Depth finder.

(d) Life jackets.

(e) Light and smoke flares.

(f) VHF radio with frequencies appropriate to contact the United States Coast Guard.

(g) Power-operated bilge pumps.

(h) Running lights.

(i) Anchor and anchor chain or line.

(j) Displayed ocean class United States Coast Guard operator's license.

(k) Engine room space ventilation system and blower system.

(L) Fire extinguishers.

(m) Magnetic compass.

(n) Bailing buckets or hand-operated bilge pump.

(o) Installed electronic position fixing device or radar navigational equipment.

(p) Emergency Position Indicator Radio Beacon device (EPIRB).

(q) Life ring.

(2) If the charter boat operates on navigable waters of the United States more than 20 miles from the nearest port, in addition to the equipment specified in subsection (1) of this section:

(a) Life raft or unsinkable shore boat.

(b) Navigational charts for the area in which the charter boat is operating.

(c) Water lights.

(3) If the charter boat operates on state waters:

(a) First-aid kit.

(b) Automatic bilge warning light or bell for high water condition, audible or visible from each steering station.

(c) Depth finder.

(d) Life jackets.

(e) Light and smoke flares.

(f) Power-operated bilge pumps.

(g) Running lights.

(h) Anchor and anchor chain or line.

(i) Engine room space ventilation system and blower system.

(j) Fire extinguishers.

(k) Magnetic compass.

(L) Bailing buckets or hand-operated bilge pump.

(m) Life ring. [1989 c.885 §5; 2013 c.146 §7]

830.460 Prohibited activities. (1) A person may not make any false statement of material fact in submitting an application for a charter boat license under ORS 830.440.

(2) A person may not operate a charter boat to engage in activities for which a charter boat license is required:

(a) If the State Marine Board or a representative of the board determines upon inspection that, or if a peace officer issues a citation because, the charter boat fails to comply with any equipment requirements imposed by the board pursuant to ORS 830.450.

(b) Without having protection against liability as described in ORS 830.440 and 830.445.

(c) If the number of persons on board the charter boat exceeds the carrying capacity of the charter boat.

(d) Without first providing to the board the names of all employees, agents and other persons who physically assist passengers of the charter boat with angling, sightseeing or other recreational activities.

(3) A person may not offer for compensation or monetary gain or advertise the use of a charter boat for angling, sightseeing or other recreational activities without a charter boat license.

(4) A person may not accept money or other remuneration for angling, sightseeing or other recreational activities for which a charter boat license is required without a charter boat license, except that a person may share the costs or expenses for a trip by trip participants. As used in this subsection:

(a)(A) "Costs or expenses for a trip" means the costs or expenses for food, fuel, bait or other consumable items used during a trip.

(B) "Costs or expenses for a trip" does not include any costs or expenses related to equipment maintenance, insurance, moorage, leases or fees for the use of an area.

(b) "Trip" means the duration of the angling, sightseeing or other recreational activity beginning at the point of departure from a dock, pier, float, moorage or shore-based landing where a person enters a charter boat. [1989 c.885 §6; 2013 c.146 §8]

830.465 Disciplinary actions. (1) For the purpose of ensuring the safe and legal operation of charter boats in this state, the State Marine Board:

(a) Shall require the disclosure of a boating, wildlife, hunting, angling, commercial fishing or public safety related violation by an operator, owner or deckhand of a charter boat that occurs within two years of the date on which a charter boat license is issued or updated.

(b) May revoke, suspend or deny issuance of a charter boat license for a violation of this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511, 530 or 704 or a rule adopted pursuant to this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511, 530 or 704, or for a violation of a law or rule regulating the safety and welfare of the public.

(2) When a person is found guilty of a violation of ORS 830.430 to 830.465 or any rule adopted pursuant to ORS 830.430 to 830.465, the court having jurisdiction of the

offense may order the board to revoke a charter boat license held by that person.

(3) When a court orders revocation of a charter boat license under this section, the court shall take up the charter boat license and forward it with a copy of the revocation order to the board. Upon receipt of the charter boat license and the revocation order, the board shall revoke the charter boat license in accordance with the revocation order. [2013 c.146 §10]

ACCIDENTS

830.475 Duties of operators and witnesses at accidents. (1) A person commits the offense of failure to perform the duties of an operator if the person is the operator of any boat involved in an accident that results in property damage and the operator fails to take reasonable steps to notify the owner or person in charge of the property of the damage, and provide to the owner or person in charge of the property the operator's name, address and the identification number of the boat.

(2) The operator of any boat involved in an accident which results in injury or death to any person immediately shall stop the boat at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until the operator has fulfilled the requirements of subsection (3) of this section.

(3) The operator of any boat involved in an accident resulting in injury or death to any person shall:

(a) Give to the other operator, surviving occupant or any person not injured as a result of the accident, the name, address and the identifying number of the boat which the operator is operating, and the name and address of any other occupants of the boat.

(b) Render reasonable assistance to any person injured in the accident, including the conveying or the making of arrangements for the conveying of the person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that treatment is necessary or if conveyance is requested by any injured person.

(4) Any witness to the accident shall furnish to the operator, occupant or injured person, the name and address of the witness. [Formerly 488.164; 1997 c.74 §1]

830.480 Accident report required; rules. (1) The operator of any boat involved in an accident resulting in injury or death to any person or damage to property in excess of the dollar amount established by rule of the State Marine Board shall make a report of the accident to the board in such form and manner as the board by rule may prescribe.

(2) Whenever a report is insufficient in the opinion of the board, it may require the operator to file a supplemental report and may also require a witness to the accident to render a report to the board.

(3) Whenever the operator of a boat is physically incapable of making a required accident report and there was another occupant in the boat at the time of the accident capable of making a report, the occupant shall make or cause the report to be made. [Formerly 488.168; 1991 c.17 §1]

830.485 Form of report; sending death record to State Marine Board. (1) The State Marine Board shall prepare and make available to the public forms for accident reports required in ORS 830.480. The report shall call for sufficiently detailed information to disclose the cause of an accident, conditions then existing, and the persons and vehicles involved. Every accident report shall be made on a form approved by the board.

(2) The State Health Officer shall on or before the 15th day of each month forward to the board a copy of the death record of any persons within the jurisdiction of the State Health Officer who died from a boat accident during the preceding calendar month. [Formerly 488.172; 2013 c.366 §86]

830.490 Confidential nature of report. (1) All accident reports made to the State Marine Board shall be without prejudice to the individual reporting and shall be for the confidential use of administrative and enforcement agencies only.

(2) The board upon written request, shall, if available, disclose the following information to any party involved in the accident, or, in the event of the party's death, to any member of the party's family, or to the party's personal representatives:

(a) The identity of the owner, operator, occupants and the identifying number of a boat involved in an accident;

(b) The names of any companies insuring the owner or operator; and

(c) The identity of any witnesses to the accident.

(3) No such report shall be used as evidence in any trial, civil or criminal, arising out of the accident. The board shall furnish, upon demand of any person who has or claims to have made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the board, solely to prove a compliance or a failure to comply with the requirement that such a report be made to the board.

(4) The board shall compile and may analyze all accident reports and shall publish

annually, or at more frequent intervals, statistical information relating to boat accidents.

(5) In response to any request duly made by an authorized official or agency of the United States, or in compliance with any federal requirement, the board shall transmit any information compiled or otherwise available to the board from the accident reports required by ORS 830.480 and 830.485. [Formerly 488.176; 1991 c.67 §232]

830.495 Report of accident resulting in death or disappearance; duties of passengers. (1) When, as a result of an occurrence that involves a boat or its equipment, a person dies or disappears from a boat, the operator shall, without delay, by the quickest means available, notify the nearest sheriff department, state police post, Coast Guard station or other law enforcement agency of:

(a) The date, time and exact location of the occurrence;

(b) The name of each person who died or disappeared;

(c) The number and name of the boat; and

(d) The names and addresses of the owner and operator.

(2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall notify the casualty reporting authority or determine that the notice has been given. [Formerly 488.190]

BOATING UNDER INFLUENCE OF INTOXICANTS

830.505 Implied consent to chemical tests for intoxicants; refusal to submit; consequences. (1) Any person who operates a boat on any waters of this state shall be deemed to have given consent to submit to chemical tests of the person's breath for the purpose of determining the alcoholic content of the person's blood if the person is arrested for operating a boat while under the influence of intoxicants while in violation of ORS 830.325 or of a municipal ordinance. Tests shall be administered upon the request of a peace officer having reasonable grounds to believe that the person arrested was operating a boat while under the influence of intoxicants while in violation of ORS 830.325 or of a municipal ordinance. Before the test is administered, the person requested to take the test shall be informed of rights and consequences as described in ORS 830.545.

(2) No chemical test of the person's breath shall be given under subsection (1) of this section, to a person under arrest for operating a boat while under the influence of intoxicants in violation of ORS 830.325 or of

a municipal ordinance, if the person refuses the request of a peace officer to submit to the chemical test after the person has been informed of rights and consequences as described in ORS 830.545.

(3) Within the time required by the State Marine Board by rule, the arresting officer shall report the following information to the board:

(a) Whether the person refused to submit to a test.

(b) Whether the person was informed of rights and consequences as described under ORS 830.545.

(4) A report required by this section may be made on one or more forms provided by the board. [1991 c.931 §7]

830.510 Chemical evidence of use of intoxicants. (1) At the trial of any civil or criminal action, suit or proceeding arising out of the acts committed by a person operating a boat while under the influence of any intoxicants, if the amount of alcohol in the person's blood at the time alleged is less than 0.08 percent by weight of alcohol and shown by chemical analysis of the person's breath or blood, it is indirect evidence that may be used with other evidence, if any, to determine whether or not the person was then under the influence of intoxicants.

(2) Not less than 0.08 percent by weight of alcohol in a person's blood constitutes being under the influence of intoxicating liquor.

(3) Percent by weight of alcohol in the blood shall be based on grams of alcohol per 100 milliliters of blood or based on grams of alcohol per 210 liters of breath.

(4) For purposes of ORS 830.505 to 830.545, "boat" means a motorboat or sailboat. [1991 c.931 §6; 2011 c.260 §2]

830.515 Evidence of refusal to submit to test in legal proceeding. If a person refuses or fails to submit to chemical tests of the breath, blood or urine as required by ORS 830.505 and 830.520, evidence of the person's refusal or failure to submit is admissible in any criminal or civil action or proceeding arising out of acts alleged to have been committed while the person was operating a boat while under the influence of intoxicating liquor or controlled substances. [1991 c.931 §8]

830.520 Circumstances under which chemical tests may be administered. Nothing in ORS 830.505 is intended to preclude the administration of chemical tests described in this section. A peace officer may obtain a chemical test of the blood to determine the amount of alcohol in any person's blood or a test of the person's blood or a test

of the person's blood or urine, or both, to determine the presence of a controlled substance in the person as provided in the following:

(1) If, when requested by a peace officer, the person expressly consents to such a test.

(2) Notwithstanding subsection (1) of this section, from a person without the person's consent if:

(a) The peace officer has probable cause to believe that the person was operating a boat while under the influence of an intoxicating liquor or controlled substance and that evidence of the offense will be found in the person's blood or urine; and

(b) The person is unconscious or otherwise in a condition rendering the person incapable of expressly consenting to the test or tests requested. [1991 c.931 §9]

830.525 Chemical tests obtained by subject. In addition to chemical tests of the breath, blood or urine administered under ORS 830.505 and 830.520, upon the request of a peace officer, a person shall be permitted upon request, at the person's own expense, reasonable opportunity to have any licensed physician, licensed professional nurse or qualified technician, chemist or other qualified person of the person's own choosing administer a chemical test or tests of the person's breath or blood for the purpose of determining the alcoholic content of the person's blood or a chemical test or tests of the person's blood or urine, or both, for the purpose of determining the presence of a controlled substance in the person. The failure or inability to obtain such a test or tests by a person shall not preclude the admission of evidence relating to a test or tests taken upon the request of a peace officer. [1991 c.931 §10]

830.535 Criteria for chemical analyses.

(1) A chemical analysis is valid under ORS 830.505, 830.520 or 830.525 if:

(a) It is an analysis of a person's blood for alcohol content and is performed in:

(A) A laboratory certified or accredited under 42 C.F.R. part 493 and approved for toxicology testing;

(B) A laboratory licensed under ORS 438.110 and approved for toxicology testing; or

(C) A forensic laboratory established by the Department of State Police under ORS 181.080 that is accredited by a national forensic accrediting organization.

(b) It is an analysis of a person's breath and is performed by an individual possessing a valid permit to perform chemical analyses issued by the Department of State Police under ORS 813.160 or by the State Marine

Board under the provisions of this section. Chemical analyses must be performed according to methods approved by the Department of State Police under ORS 813.160 or approved by the board under this section. For purposes of this section, the board shall do all of the following:

(A) Approve methods of performing chemical analyses of a person's breath.

(B) Prepare manuals and conduct courses throughout the state for the training of peace officers in chemical analyses of a person's breath, which courses shall include, but are not limited to, approved methods of chemical analyses, use of approved equipment and interpretation of test results together with a written examination on these subjects.

(C) Test and certify the accuracy of equipment to be used by peace officers for chemical analyses of a person's breath before regular use of the equipment and periodically thereafter at intervals of not more than 90 days. Tests and certification required by this subparagraph must be conducted by trained technicians.

(D) Ascertain the qualifications and competence of individuals to conduct chemical analyses in accordance with one or more methods approved by the board or by the Department of State Police under ORS 813.160.

(E) Issue permits to individuals according to their qualifications. Permits may be issued to peace officers only upon satisfactory completion of the prescribed training course and written examination. A permit must state the methods and equipment that the peace officer is qualified to use. Permits are subject to termination or revocation at the discretion of the board.

(2) In conducting a chemical test of the blood, only a duly licensed physician or a person acting under the direction or control of a duly licensed physician may withdraw blood or pierce human tissue. A licensed physician, or a qualified person acting under the direction or control of a duly licensed physician, is not civilly liable for withdrawing any bodily substance, in a medically acceptable manner, at the request of a peace officer.

(3) An individual who performs a chemical analysis of breath or blood under ORS 830.505, 830.520 or 830.525 shall prepare and sign a written report of the findings of the test. A test administered at the request of a peace officer must include the identification of the peace officer upon whose request the test was administered.

(4) Any individual having custody of the report mentioned in subsection (3) of this

section shall, upon request of the person tested, furnish a copy of the report to that person or that person's attorney.

(5) The expense of conducting a chemical test as provided by ORS 830.505 or 830.520 must be paid by the governmental units on whose equipment the test is conducted or by the governmental units upon whose request the test was administered if no governmental unit's equipment is used to conduct the test. [1991 c.931 §11; 2003 c.19 §2]

830.545 Information about rights and consequences. This section establishes the requirements for information about rights and consequences for purposes of ORS 830.505. The following apply to the information about rights and consequences:

(1) The information about rights and consequences shall be substantially in the form prepared by the State Marine Board. The board may establish any form it determines appropriate and convenient.

(2) The information about rights and consequences shall be substantially as follows:

(a) Operating a boat under the influence of intoxicants is a crime in Oregon and the person is subject to criminal penalties if the test shows that the person is under the influence of intoxicants. If the person refuses the test or fails, evidence of the refusal or failure may also be offered against the person.

(b) The person fails the test if the test shows the person is under the influence of intoxicants under Oregon law.

(c) If the person is convicted of operating a boat while under the influence of intoxicants, the person may not operate a boat for a period of time following the conviction.

(d) If the person is convicted of operating a boat while under the influence of intoxicants, the person is not eligible to apply for any certificate of title, registration or numbering and all certificates of title, registration and numbering necessary to lawfully operate a boat on Oregon waters shall be canceled for at least a year. The ineligibility to apply for certificates or the cancellation of the certificates shall be substantially longer if the person refuses the test.

(e) After taking the test, the person shall have a reasonable opportunity, upon request, for an additional chemical test for blood alcohol content to be performed at the person's own expense by a qualified individual of the person's choosing.

(3) Nothing in this section prohibits the board from providing additional information concerning rights and consequences that the board considers appropriate or convenient. [1991 c.931 §12]

830.550 Implied consent to field sobriety tests for intoxicants; refusal to submit; consequences. (1) Any person who operates a boat on any waters of this state shall be deemed to have given consent to submit to field sobriety tests upon the request of a peace officer for the purpose of determining if the person is under the influence of intoxicants if the peace officer reasonably suspects that the person has committed the offense of operating a boat while under the influence of intoxicants in violation of ORS 830.325 or a municipal ordinance. Before the tests are administered, the person requested to take the test shall be informed of the consequences of refusing to take or failing to submit to the tests under ORS 830.545.

(2) If a person refuses or fails to submit to field sobriety tests as required by subsection (1) of this section, evidence of the person's refusal or failure to submit is admissible in any criminal or civil action or proceeding arising out of allegations that the person was operating a boat while under the influence of intoxicants.

(3) Within the time required by the State Marine Board by rule, the arresting officer shall report the following information to the board:

(a) Whether the person refused to submit to a test.

(b) Whether the person was informed of rights and consequences as described under ORS 830.545.

(4) A report required by this section may be made on one or more forms provided by the board. [1991 c.931 §13]

AQUATIC INVASIVE SPECIES PREVENTION

(Generally)

830.560 Launching boat with aquatic invasive species prohibited; rules. (1) As used in this section:

(a) "Aquatic invasive species" means any aquatic life or marine life determined by the State Fish and Wildlife Commission by rule to be invasive or any aquatic noxious weed determined by the State Department of Agriculture to be invasive.

(b) "Launch" means any act that places a boat into a waterway for recreational boating, for flushing or testing an engine or for any other purpose.

(2) Except as provided in subsection (3) of this section, a person may not launch a boat into the waters of this state if:

(a) The boat has any visible aquatic species on its exterior hull or attached to any motor, propulsion system or component, an-

chor or other attached apparatus outside of the hull, or on the trailer or other device used to transport the boat; or

(b) The boat has any aquatic invasive species within its bilge, livewell, motorwell or other interior location.

(3) The State Fish and Wildlife Commission, in consultation with the State Department of Agriculture, by rule may allow the presence of certain aquatic species on or within a boat for activities including but not limited to hunting and photography.

(4) The State Marine Board shall provide information to the public about any rules adopted under subsection (3) of this section. [2009 c.303 §2]

(Permits)

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

(2) A person who obtains an aquatic invasive species prevention permit for a manually propelled boat may use the permit on any manually propelled boat the person operates on the waters of this state. [2009 c.764 §7]

830.570 Board to issue permit; fees. (1) The State Marine Board shall issue and renew an aquatic invasive species prevention permit to a person who pays the fee for the permit described in ORS 830.575.

(2) The board may appoint agents to issue aquatic invasive species prevention permits.

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

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

(5) The board shall supply the agents with motorboat and manually propelled boat aquatic invasive species prevention permits. [2009 c.764 §8]

830.575 Fees for permit. Notwithstanding ORS 830.790 (3), fees for issuance and renewal of an aquatic invasive species prevention permit are as follows:

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

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

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

(4) The annual fee for an operator of a boat livery is:

(a) \$30 for an operator who owns 6 to 10 manually propelled boats;

(b) \$55 for an operator who owns 11 to 20 manually propelled boats; or

(c) \$100 for an operator who owns 21 or more manually propelled boats. [2009 c.764 §9]

830.580 Rules; contracting services. (1) The State Marine Board shall adopt rules for the implementation and administration of ORS 830.565 to 830.575, including but not limited to the exemption of certain boats from the requirements of ORS 830.565.

(2) Nothing in ORS 830.565 to 830.575 prevents the board from contracting any service provided under ORS 830.565 to 830.575 to any private person or entity or other unit of government. [2009 c.764 §10]

830.585 Aquatic Invasive Species Prevention Fund. The Aquatic Invasive Species Prevention Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Aquatic Invasive Species Prevention Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Marine Board for the purpose of administering the aquatic invasive species prevention permit program under ORS 830.565 to 830.575 and preventing and controlling aquatic invasive species. [2009 c.764 §11]

Note: 830.585 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Prevention Efforts)

830.587 Definitions for ORS 830.589, 830.594 and 830.999. As used in ORS 830.589, 830.594 and 830.999:

(1) "Aquatic invasive species" means any aquatic species of wildlife or any freshwater or marine invertebrate, as specified by the State Fish and Wildlife Commission by rule, or any aquatic noxious weeds as specified by the State Department of Agriculture by rule.

(2) "Recreational or commercial watercraft" means any boat, any equipment used to transport a boat and any auxiliary equipment for a boat, including but not limited to attached or detached outboard motors. [Formerly 570.850]

Note: 830.587, 830.589 and 830.594 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

830.589 Watercraft check stations; rules. (1) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may require a person transporting a recreational or commercial watercraft to stop at a check station to inspect the watercraft for the presence of aquatic invasive species. The purpose of the administrative search authorized under this section is to prevent and limit the spread of aquatic invasive species within Oregon.

(2) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may decontaminate, or recommend decontamination of, any recreational or commercial watercraft that the agency inspects at a check station operated under authority of this section.

(3) All check stations operated under authority of this section must be plainly marked by signs that comply with all state and federal laws and must be staffed by at least one uniformed employee of the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture trained in inspection and decontamination of recreational or commercial watercraft.

(4) An agency that operates a check station under this section shall require all persons transporting recreational or commercial watercraft to stop at the check station, and the agency shall inspect every recreational or commercial watercraft that goes through the check station.

(5) Notwithstanding ORS 496.992, a person transporting a recreational or commercial watercraft who stops at a check station for inspection and who cooperates in the decontamination process is not subject to criminal sanctions for possessing or transporting aquatic invasive species.

(6) The State Department of Fish and Wildlife, the State Marine Board and the State Department of Agriculture may adopt rules to carry out the provisions of this section. [Formerly 570.855]

Note: See note under 830.587.

830.594 Report of prevention efforts. (1) The State Department of Fish and Wildlife, after consultation with the State Marine Board, the State Department of Agriculture and the Department of State Police, shall report biennially to the Legislative Assembly on efforts to prevent aquatic invasive species from entering this state and may include in the report suggested legislation necessary to more effectively prevent aquatic invasive species from entering this state.

(2) Reports to the Legislative Assembly required under this section must be made in accordance with ORS 192.245. [Formerly 570.860]

Note: See note under 830.587.

SEAPLANES

830.600 Applicability of boating laws to seaplanes. The provisions of ORS 830.172, 830.200, 830.210 to 830.240, 830.245, 830.250, 830.260, 830.270, 830.375, 830.410, 830.415, 830.420, 830.430 to 830.465, 830.700 to 830.870 and 830.880 to 830.895 do not apply to seaplanes as defined in ORS 835.200. [1995 c.655 §3; 1999 c.692 §11]

830.605 State Marine Board and Oregon Department of Aviation to distribute information on regulation of seaplanes.

(1) The State Marine Board and the Oregon Department of Aviation shall cooperate to publish and distribute information concerning laws, rules and regulations that govern seaplane safety and operations in Oregon.

(2) As used in this section, “seaplane” has the meaning given that term in ORS 835.200. [1995 c.655 §5; 2001 c.104 §316; 2005 c.22 §518]

NUMBERING, TITLES AND LICENSES (Generally)

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

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

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

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

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

(5) “Operate” means to navigate or otherwise use a boat on water.

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

(7) “Ownership” means a property interest other than a security interest.

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

(9) “State of principal use” means the state on whose waters a boat is used or to be used during most of a calendar year. [Formerly 488.705; 1999 c.59 §251; 2009 c.181 §110]

830.705 Applicability of numbering, title and license requirements. (1) This section and ORS 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 do not apply to:

(a) A boat which has a valid marine document issued by the United States Coast Guard or any federal agency which succeeds to the duty of issuing marine documents.

(b) Foreign boats operated only temporarily in the waters of this state.

(c) A boat owned and operated by the United States or a state or by an entity or political subdivision of the United States or a state, except recreational type public vessels.

(d) A ship’s lifeboat used solely for lifesaving purposes.

(e) A boat belonging to a class of boats which has been exempted from the provisions of this section and ORS 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 by the State Marine Board as provided in ORS 830.110 (9).

(f) A boat already covered by a number in full force and effect which has been issued to it pursuant to federal laws or a federally approved numbering system of another state; provided that such boat shall not have been within this state for a period in excess of 60 consecutive days.

(2) This section and ORS 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 do apply to all boats other than boats described in subsection (1) of this section which are propelled by machinery, whether or not the machinery is the principal source of propulsion and to sailboats which are 12 feet or more in length.

(3) This section and ORS 830.300 and 830.710 to 830.870 do not apply to any vessel for which a charter boat license has been issued and for which the fee has been paid as provided in ORS 830.440. [Formerly 488.715; 1993 c.18 §173; 2013 c.146 §13]

830.710 Report of transfer, abandonment or destruction of boat, boathouse or floating home or change of address of owner. (1) Within 30 days after the transfer of all or any part of the interest of the owner in a boat, boathouse or floating home, or the abandonment or destruction of a boat, boat-

house or floating home, for which a valid identifying number has been awarded by this state, the owner shall notify the State Marine Board of the transfer of interest, destruction or abandonment.

(2) Within 30 days after any change in the address of the owner, the owner of a boat, boathouse or floating home for which a valid identifying number has been awarded by this state shall report the change to the board. [Formerly 488.750]

830.715 Record of certificates and numbers; fees for furnishing information. The State Marine Board shall keep a current record of outstanding certificates of title, certificates of number and registration and recorded numbers, which shall be a public record open to inspection by the public during reasonable office hours. However, the board may charge a reasonable fee for furnishing information concerning a boat, boathouse or floating home or its owner. [Formerly 488.810]

830.720 Cancellation of title upon scrapping of boat, boathouse or floating home. (1) An owner who scraps, dismantles or destroys a boat, boathouse or floating home and a person who purchases a boat, boathouse or floating home as scrap or to be dismantled or destroyed shall immediately cause the certificate of title to be mailed or delivered to the State Marine Board for cancellation.

(2) Upon the destruction of the certificate of title record of any boat, boathouse or floating home, the board shall maintain a file disclosing the last owner and security interest holders, if any, of the boat, boathouse or floating home as shown by the destroyed certificate of title record. [Formerly 488.774]

830.725 Distribution of lists of owners. The State Marine Board may publish and distribute to the sheriff, county assessor and county clerk of each county, the U. S. Coast Guard, Department of State Police and other interested agencies current lists of the names and addresses of boat, boathouse or floating home owners to whom valid, effective identifying numbers have been issued. The lists, if published, shall be arranged both alphabetically by the name of the owner and numerically by the identifying numbers. [Formerly 488.815]

830.730 False information prohibited. No person shall give any false statement or information or assist another to give any false statement or information in any application, notice, statement or report to a peace officer or the State Marine Board. [Formerly 488.820; 1999 c.391 §1]

(Titles; Security Interest)

830.740 Perfection of security interest in boats, boathouses and floating homes covered by certificate of title; applicability of Uniform Commercial Code. (1) Except as provided in subsection (2) of this section, the exclusive means of perfecting a security interest in a boat, boathouse or floating home covered by a certificate of title is by application for and notation of the security interest on the certificate of title in accordance with the provisions of ORS 830.720, 830.740 to 830.755, 830.785, 830.810, 830.850 and 830.855. The security interest remains effective until released or terminated by the secured party.

(2) A security interest may not be perfected by notation of the security interest on the certificate of title if the debtor who granted the security interest is in the business of selling boats, boathouses or floating homes, and the boat, boathouse or floating home constitutes inventory held for sale or lease or the boat, boathouse or floating home is leased by the debtor as lessor. The filing provisions of ORS 79.0501 to 79.0528 shall apply to security interests in such boats, boathouses or floating homes.

(3) The rights and remedies of all persons in boats, boathouses and floating homes covered by this section shall be determined by the provisions of the Uniform Commercial Code. [Formerly 488.763; 2001 c.445 §185]

830.745 Notation on title of creation, satisfaction or assignment of security interest; fee. (1) In the event of the creation of a security interest in a boat, boathouse or floating home for which a certificate of title has been issued, the owner shall sign in an application space provided on the back and deliver the certificate of title to the person in whom the security interest was created, who shall, within 10 days thereof, present the certificate to the State Marine Board, with the name of the owner shown thereon. In the event a prior security interest holder is in possession of the certificate of title, the owner shall sign and may arrange for direct delivery by the prior security interest holder to the board. The board, upon payment of the required fee, shall issue a new certificate of title, note the change upon the records in order of priority and mail the certificate to the security interest holder first named on the certificate.

(2) Upon satisfaction of a security interest in a boat, boathouse or floating home for which a certificate of title has been issued, the security interest holder affected, if the holder is in possession of the certificate of title, shall sign a release on the certificate of title and deliver it to the security interest holder next named, if any, or if none, to the

owner. In the event the security interest holder affected is not in possession of the certificate of title, the holder shall execute a release of interest to the person entitled thereto who shall promptly deliver it to the holder of the certificate of title. Within 10 days after the delivery of the certificate of title or release, the holder shall present the certificate of title and release, if any, to the board. Upon payment of the required fee, the board thereupon shall note the change upon its records and issue a new certificate of title to the first security interest holder then named, if any, otherwise to the owner.

(3) A security interest holder may without the consent of the owner assign interest in a boat, boathouse or floating home to a person other than the owner without affecting the interest of the owner or the validity or priority of the interest but a person without notice of the assignment is protected in dealing with the security interest holder until the assignee is named as security interest holder on the certificate. The assignee may have the certificate of title issued with the assignee named as security interest holder upon delivery to the board of the certificate with the signature of the assignor releasing interest together with the required fee. [Formerly 488.766]

830.750 Transfer of title subject to security interest; dealer transferees; fee. (1) If an owner transfers interest in a boat, boathouse or floating home for which an Oregon certificate of title has been issued, other than by the creation of a security interest as provided by ORS 830.745, the owner shall, with the signed consent of the security interest holder shown on the face of the certificate of title, indorse on the back of the certificate an assignment thereof, with warranty of title in a form printed thereon and a statement of all unsatisfied security interests shown on the face of the certificate. Except as provided in subsection (2) of this section, the transferee shall sign the certificate in an application space provided thereon, and shall indicate any new security interests in order of priority. The transferee or holder of the certificate shall, within 10 days after the transfer, present the certificate accompanied by the required fee to the State Marine Board, whereupon a new certificate of number or registration shall be issued and delivered to the transferee and a new certificate of title shall be issued to the transferee, and delivered to the first security interest holder in order of priority, if any, or if none, to the transferee.

(2) If the transferee is a dealer who purchases the boat, boathouse or floating home

for resale, the transferor shall merely indorse the certificate of title, and the dealer shall not be required to present the certificate of title to the board until the dealer transfers the boat, boathouse or floating home. However, the dealer shall notify immediately the board that the boat, boathouse or floating home has been transferred to the dealer. Upon the transfer of the boat, boathouse or floating home by the dealer, the dealer shall deliver to the transferee the assigned certificate of title received by the dealer. The transferee, unless a dealer purchasing the boat, boathouse or floating home for resale, shall sign the certificate and complete it in the manner provided in subsection (1) of this section, whereupon the board shall issue and deliver a new certificate of number or registration and a new certificate of title in the manner provided in subsection (1) of this section. [Formerly 488.768]

830.755 Transfer by operation of law of title subject to security interest; fee.

(1) In the event of the transfer by operation of law of the interest of an owner or security interest holder in a boat, boathouse or floating home for which an Oregon certificate of title has been issued, the certificate of title, if available, shall be signed upon the reverse side by the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose interest is so transferred in lieu of the person. The representative or successor shall file with the State Marine Board a notice of any transfer of the boat, boathouse or floating home by the representative or successor, together with evidence satisfactory to the board of all facts entitling the representative or successor to make the transfer. Upon the receipt of satisfactory evidence of the facts, and the required fee, the board shall issue a new certificate of title and a certificate of number or registration. If a boat, boathouse or floating home is repossessed, satisfactory evidence must be presented to the board that the security interest holder has given at least 10 days' notice to the owner of the boat, boathouse or floating home, by registered mail or by certified mail with return receipt at the last-known post-office address of the owner the security interest holder's intention to apply for a certificate of title.

(2) As used in subsection (1) of this section, a transfer by operation of law includes inheritance, devise, bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performance of the terms of a security agreement, or any transfers effected other than by the voluntary act of the person whose interest is transferred. [Formerly 488.772; 1991 c.249 §74]

(Boats)

830.770 Certificate of number required on boat; exceptions. (1) No person shall operate a boat on the waters of this state and no owner of a boat shall knowingly allow another to operate the owner's boat on the waters of this state unless:

(a) The owner of the boat holds a valid, effective certificate of number issued in the owner's name as owner:

(A) By this state, as provided in ORS 830.060 to 830.140 and 830.700 to 830.870;

(B) By an agency of the federal government; or

(C) By the state of principal use which issued the certificate of number under a federally approved numbering system.

(b) The certificate of number is carried on the boat, except as provided in subsection (2) of this section.

(2) Persons renting a boat from a livery are not required to carry the certificate of number on the boat, provided:

(a) The livery owner retains the certificate of number at the livery office for immediate inspection by a peace officer;

(b) The boat is clearly marked and identified as a livery boat; and

(c) The boat operator has a signed rental or lease agreement containing the boat's identifying number and the period of time for which the boat is rented or leased. [Formerly 488.720; 2003 c.14 §502]

830.775 Operation of certain boats without certificates of registration. (1) Notwithstanding the provisions of ORS 830.705, 830.710, 830.770, 830.780 to 830.805 and 830.830 to 830.870, no person shall operate a boat which is not used for commercial purposes and has a valid marine document issued by the United States Coast Guard or any federal agency which succeeds to the duty of issuing marine documents unless:

(a) The owner holds a certificate of registration issued in the name of the owner as owner.

(b) The certificate is carried on the boat.

(c) A decal awarded to the boat is conspicuously displayed.

(2) The State Marine Board shall issue a certificate of registration and a decal that recites its issuance by the board as prescribed by ORS 830.790. [Formerly 488.823; 1993 c.18 §174; 2003 c.455 §4]

830.780 Identifying number on forward half of boat. (1) No person shall operate a boat on the waters of this state unless:

(a) There is painted on or attached to each side of the forward half of the boat a

valid, effective identifying number awarded to the boat:

(A) By this state;

(B) By an agency of the federal government; or

(C) Subject to the provisions of ORS 830.805, by another state that awards identifying numbers under a federally approved numbering system.

(b) The identifying number described in paragraph (a) of this subsection is painted or attached on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than three inches in height. The numbers shall be of a color that will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark letters on a light background, or light letters on a dark background.

(c) No number other than the identifying number described in paragraph (a) of this subsection appears on the forward half of the boat.

(2) No person or dealer shall sell or display for sale a boat previously numbered by this state, by an agency of the federal government or by another state that issued a certificate of number under a federally approved numbering system unless the identifying number appears on each side of the forward half of the boat. [Formerly 488.725; 2003 c.14 §503]

830.785 Application for boat number. Subject to the provisions of ORS 830.830, the owner of a boat which is operated principally on the waters of this state shall apply to the State Marine Board for an identifying number. The application shall include the true name of the owner, the residence or business address of the owner, a description of the boat and any other information required by the board. The application shall be signed by the owner and shall be accompanied by the prescribed fee. [Formerly 488.730]

830.790 Certificate or registration fees. (1) The biennial fee for the original or renewal certificate of number or registration is:

(a) \$3 per foot, or portion thereof, for all sailboats 12 feet in length or more and for all motorboats.

(b) \$6, for boats that are assessed by the Department of Revenue under ORS 308.505 to 308.665.

(c) \$6, for amphibious vehicles that are licensed by the Department of Transportation.

(2) Notwithstanding subsection (1) of this section, no fee is required for boats owned by eleemosynary organizations which are operated primarily as a part of organized activities for the purpose of teaching youths scoutcraft, camping, seamanship, self-reliance, patriotism, courage and kindred virtues.

(3) Except for the assessment referred to in subsection (1)(b) of this section, the fees provided by this section are in lieu of any other tax or license fee.

(4) The operator of a boat livery holding five or more boats ready for hire may pay a biennial certificate of number fee of \$55 plus \$6 for each boat instead of the fee otherwise provided in this section. [Formerly 488.732; 1997 c.432 §1; 2003 c.455 §1]

830.795 Issuance of certificate of number and validation stickers; stickers placed on boats. (1) Subject to the provisions of ORS 830.800, if the application is in order, the State Marine Board shall issue to the owner a certificate of number which shall state the identifying number awarded to the boat, the name and address of the owner, the description of the boat, the issue date and the expiration date of the certificate of number. The certificate of number shall be pocket size.

(2) The board shall issue a set of validation stickers bearing the year through which the certificate of number is issued. The stickers shall be placed three inches to the rear of the identifying number placed on the boat as required by ORS 830.780. [Formerly 488.735]

830.800 Expiration of certificate of number; renewal of certificate and stickers. (1) A certificate of number expires on December 31 of the year indicated on the certificate.

(2) The State Marine Board may require the surrender of the expired certificate of number before issuing a new certificate of number.

(3) The identifying number awarded to a boat by the board shall remain the same.

(4) An application for renewal of a certificate of number shall be made in the same manner as provided in ORS 830.785. The application shall be accompanied by the fee prescribed by ORS 830.790. The board shall renew certificates of number and issue validation stickers in the same manner as provided in ORS 830.795. [Formerly 488.740]

830.805 Application by owner having number awarded by federal government or another state. The owner of any boat covered by a number in full force and effect which has been issued to it pursuant to the then operative federal law or a federally ap-

proved numbering system of another state, shall make application within 10 days after the 60-day reciprocity period provided in ORS 830.705 (1)(f). Such application shall be in a manner pursuant to the procedure required for the issuance of a number in ORS 830.785. [Formerly 488.755]

830.810 Certificate of title; exceptions; rules; application fees; penalty fee. (1) Except as otherwise provided in this subsection, a person may not operate a boat for which an identifying number is required under ORS 830.705, 830.710, 830.770, 830.780 to 830.805 and 830.830 to 830.870, unless the owner has secured from the State Marine Board a certificate of title for the boat. This subsection does not apply to operation of:

(a) Amphibious vehicles that have a valid title issued by the Department of Transportation.

(b) A boat for which an identifying number issued under ORS 830.830 is required.

(2) A certificate of title is prima facie evidence of the ownership of a boat or a security interest therein. A certificate of title is good for the life of the boat so long as the certificate is owned or held by the legal holder of the certificate.

(3) The board may assess the following application fees:

(a) Original title or title transfer, \$30.

(b) Duplicate title, \$15.

(c) Duplicate certificate of number or registration, \$10.

(d) Duplicate validation stickers, \$10.

(4) The board shall establish, by rule, penalty fees for late application for certificates required by this section or ORS 830.710. A penalty fee may not exceed \$50.

(5) Rules adopted pursuant to this section shall be in accordance with the provisions of ORS chapter 183. [Formerly 488.762; 2003 c.455 §2]

830.815 Refusal to issue or suspension or cancellation of certificate. (1) The State Marine Board may refuse to issue a certificate of title or a certificate of number or registration if the board determines at any time that an applicant for the certificate has:

(a) Given a false statement or false information in applying for the certificate;

(b) Otherwise failed to comply with the applicable provisions under ORS 830.060 to 830.140 and 830.700 to 830.870 pertaining to application for certificates; or

(c) Been convicted of operating a boat while under the influence of an intoxicating liquor or controlled substance within one year of the date of application or within three years of the date of application if the record of conviction shows that the person

willfully refused the request of a peace officer to submit to chemical testing of the breath or a field sobriety test pursuant to ORS 830.505 and 830.550.

(2) After a hearing upon 10 days' notice, the board may cancel a certificate of title or certificate of number or registration if the board determines at any time that an owner, boat manufacturer or dealer named in the certificate:

(a) Gave a false statement or false information in applying for the certificate; or

(b) Otherwise failed to comply with the applicable provisions under ORS 830.060 to 830.140, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 pertaining to applications for certificates.

(3) The board shall automatically suspend the certificate of number for any boat if the board receives notification of a conviction for violation of ORS 830.260 under ORS 830.270. The suspension under this subsection is not subject to hearing. The board shall reinstate a certificate of number suspended under this subsection when the boat owner submits proof satisfactory to the board that the boat has been approved by a person designated by the board as meeting the standards for sound levels established by the board.

(4) If the board receives notification from any court in this state that any person who is charged with a boating offense and who is the registered owner of the boat has failed to appear as required by law or has failed to comply with the judgment of the sentencing court, the board shall take the following actions:

(a) Notify, by certified mail, the registered owner of the boat involved in the offense of the owner's failure to appear or comply with the judgment of the court. The notification shall include a copy of the citation issued to the owner and will inform the owner that the board will suspend the certificate of number for the boat 45 days from the date of the mailing of the notice by the board. The notice shall include a statement that a hearing may be requested in writing within 10 days of the notice. Any hearing requested under this subsection shall be limited to the issue of whether the person is the person who failed to appear or comply with the judgment of the sentencing court.

(b) The board shall suspend the certificate of number for the boat involved 45 days after mailing notice of intent to suspend to the owner of the boat unless a hearing has been requested or, within the 45-day notice period, the board receives notice from the court that the owner has appeared in court

and is in compliance with any court order entered in the proceeding. Notice from the court may consist of a copy of any receipt or other document issued by the court indicating that the person has appeared and is in compliance with any court order.

(c) Upon suspending any certificate of number under this subsection, the board may charge the owner a reinstatement fee sufficient to cover the actual expenses of the board in processing the transactions described in this section. The board shall reinstate any certificate of number suspended under this subsection upon receiving payment of any reinstatement fee and notice from the court that the owner has appeared and fully satisfied the judgment of the court.

(5) Conviction of operating a boat while under the influence of an intoxicating liquor or controlled substance under ORS 830.325 constitutes grounds for suspension of a person's certificate of number or registration for all boats owned by the person. The following provisions apply to such suspension:

(a) Upon receipt of a record of conviction for a violation of ORS 830.325, the board shall notify the convicted person that all certificates of number or registration issued in the person's name are suspended. The notice shall include a statement that a hearing may be requested in writing within 10 days of the notice. Any hearing requested under this subsection shall be limited to the issue of whether the person is the person convicted.

(b) The suspension shall be for three years from the date of conviction if the record of conviction shows that the person willfully refused the request of a peace officer to submit to chemical testing of the breath or a field sobriety test under ORS 830.505 and 830.550. Otherwise the period of suspension shall be for one year from the date of conviction. [Formerly 488.780; 1991 c.931 §3; 1997 c.48 §1; 1999 c.1051 §94]

830.820 Duplicate certificates or validation stickers. The State Marine Board may issue a duplicate certificate of number or registration, or title, or a duplicate set of validation stickers upon application by the person entitled to hold a certificate or to be in possession of the validation stickers if the board is satisfied that the original certificate or validation stickers have been lost, destroyed or mutilated. [Formerly 488.805; 2003 c.455 §3]

830.825 Hull identification number required. (1) No person shall operate a boat on the waters of this state or be in possession of a boat for which the State Marine Board has issued a certificate of boat title unless such boat has a hull identification number that complies with the requirements

of this section. Hull identification numbers must be carved, burned, stamped, embossed, clearly imprinted or otherwise permanently affixed to the outboard side of the transom, or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that alteration, removal or replacement would be obvious or evident. No person, firm, association or corporation shall destroy, remove, alter, cover or deface any number awarded to a vessel by the State Marine Board or the manufacturer's hull identification numbers.

(2) The hull identification numbers required under subsection (1) of this section shall comply with the following:

(a) All vessels built after 1984 shall have two identical hull identification numbers permanently affixed and displayed in accordance with federal regulations.

(b) The primary hull identification number shall be affixed to the outboard side of the vessel's transom, on the starboard side, within two inches of the top of the transom, gunwale or hull or deck joint, whichever is lowest, or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that alteration, removal or replacement would be obvious or evident.

(c) A duplicate hull identification number shall be affixed in an unexposed location on the interior of the vessel or beneath a fitting or item of permanent hardware. A hull identification number may not be attached to any part of the vessel that is removable.

(d) A person who builds a vessel for the person's own use and not for the purpose of sale shall request a hull identification number from the State Marine Board and affix the awarded number in accordance with this section. [Formerly 488.778; 1999 c.391 §2]

830.830 Dealer or boat manufacturer number; fee. (1) A dealer or boat manufacturer:

(a) May apply to the State Marine Board for one or more identifying numbers issued under this section.

(b) Shall display an identifying number issued under this section on a boat while operating or using the boat for a purpose related to the testing, buying, selling or exchanging of the boat.

(2) The application for a number under this section shall include the name and the business address of the dealer or boat manufacturer. Any number of identifying numbers may be requested in the same application.

(3) An application for a number under this section shall be accompanied by the following fees:

(a) For the first number applied for, \$28.

(b) For each additional number applied for in any application and all renewals, \$6.

(4) The board shall issue a certificate of number or registration for each identifying number awarded under this section in the same manner as provided in ORS 830.795. Numbers and certificates issued under this section are subject to the following:

(a) An identifying number is valid for not more than two years.

(b) No boat shall be described in the certificate and each certificate shall state that the identifying number has been awarded to a dealer or boat manufacturer.

(c) A certificate of number issued under this section expires on December 31 of the year indicated on the certificate.

(5) The provisions of ORS 830.800 (2) and (4) apply to a certificate of number issued under this section.

(6) An identifying number issued under this section shall be displayed on a boat of a dealer or boat manufacturer in the same manner as provided in ORS 830.780, except that the number may be temporarily attached.

(7) No person other than a dealer or boat manufacturer or a representative of a dealer or boat manufacturer shall display or use an identifying number issued under this section.

(8) No person shall use an identifying number issued under this section for any purpose other than the purpose described in subsection (1) of this section. [Formerly 488.760; 2003 c.14 §504]

(Floating Homes; Boathouses)

830.850 Identifying number plate required on floating homes and boathouses; certificate of title required; fee. (1) No person shall use a floating home or boathouse on the waters of this state unless there is affixed to the floating home or boathouse in plain sight an identifying plate with a unique number awarded to the floating home or boathouse by this state.

(2) No person shall use a floating home or boathouse for which an identifying plate is required unless the owner has secured from the State Marine Board a certificate of title for the floating home or boathouse. A certificate of title is prima facie evidence of the ownership of the floating home or boathouse or a security interest therein. A certificate of title is good for the life of the floating home or boathouse so long as the

certificate is owned or held by the legal holder of the certificate. The board shall charge a fee of \$20 for issuing each certificate of title. [Formerly 488.718]

830.855 Application for floating home or boathouse identifying plate; fee; issuance of certificate of title. (1) The owner of a floating home or boathouse that is used principally on the waters of this state shall apply to the State Marine Board for an identifying plate. The application shall include the true name of the owner, the residence or business address of the owner, a description of the floating home or boathouse, the location of the floating home or boathouse and any other information required by the board. The application shall be signed by the owner and be accompanied by a fee of \$20.

(2) Subject to ORS 830.860, if the application is in order, the board shall issue to the owner a certificate of title. The title shall contain the name and address of the owner, a description of the floating home or boathouse, the issue date, the location of the floating home or boathouse and a statement that the title is valid and effective only so long as ownership and location remain the same. [Formerly 488.726]

830.860 Validity of certificate of title; new certificates; fee. (1) A certificate of title for a floating home or boathouse is valid and effective only as long as ownership and location remain the same.

(2) The State Marine Board shall require the surrender of the certificate of title before issuing a new certificate of title unless the floating home was abandoned by a tenant under ORS chapter 90.

(3) The identifying plate issued by the board shall remain the same when a new certificate of title is issued.

(4) Application for a new certificate of title shall be made in the manner provided in ORS 830.855. The application shall be accompanied by a fee of \$20. The board shall issue the new certificate of title in the manner provided in ORS 830.855. [Formerly 488.727; 1997 c.577 §44]

830.865 Rules. In accordance with ORS chapter 183, the State Marine Board shall adopt rules necessary to carry out the provisions of ORS 830.850 to 830.860. [Formerly 488.728]

830.870 Duplicate certificate; fee. Upon receipt of proof satisfactory to the State Marine Board from the holder of a certificate issued pursuant to ORS 830.850 to 830.860 that the certificate has been lost, mutilated, destroyed or stolen, the board shall issue to the holder a duplicate certificate for a fee of \$20. [Formerly 488.720]

DISPOSITION OF BOATS AND EQUIPMENT FROM WHICH IDENTIFICATION NUMBER REMOVED

830.875 Definitions for ORS 830.880 to 830.895. As used in ORS 830.880 to 830.895:

(1) "Component" means any severable portion of a boat that possesses or did possess an identification number.

(2) "Identification number" means a distinguishing number assigned to a boat or component by the manufacturer, the State Marine Board or a police agency. [Formerly 488.900]

830.880 Seizure of boats and equipment from which identification number has been removed; inspection of property; check for stolen boats; renumbering. (1) When a peace officer discovers a boat or component from which a number awarded by the State Marine Board or the manufacturer's hull identification number assigned to the boat or the component identification number has been removed, defaced, covered, altered or destroyed, the peace officer may seize and hold it for identification and disposal as provided in ORS 830.880 to 830.895.

(2) The police agency having custody of the property shall have a specially qualified inspector or peace officer inspect the property for the purpose of locating the identification number. If the identification number is found it shall be checked with the list of stolen boats maintained by the National Crime Information Center. If the identification number is not found the police agency shall apply to the State Marine Board for renumbering as provided in ORS 830.895. [Formerly 488.905; 1999 c.391 §3; 2001 c.104 §317]

830.885 Return of seized property; investigation to determine ownership; notice to owner. (1) When the property seized under ORS 830.880 is not listed as stolen by the National Crime Information Center and the hull identification number is established the property shall be returned to the person from whom it was seized if:

(a) The person can establish that the person is the owner of the property; or

(b) The person executes a good and valid surety bond in an amount at least equal to the market value of the property and conditioned upon return of the property to the owner, if one can be established. The bond will be for a period of time determined by the State Marine Board.

(2) If the person to whom the property was returned does not establish that the person is the owner of the property the police agency holding the property shall make reasonable efforts to determine the names and addresses of the owner and all persons

of record having an interest in the property. If the police agency is able to determine the names and addresses of the owner and such other persons it shall immediately notify the owner by registered or certified mail of the disposition of the property.

(3) When the property seized under ORS 830.880 is not listed as stolen by the National Crime Information Center and the hull identification numbers have been removed, altered or defaced and the person from whom the property was seized cannot establish that the person is the owner of the property, the sheriff of the county where the seizure took place shall take custody of the property and sell the property at public auction in the manner provided in ORS 87.192 and 87.196 or dispose of the property in a manner provided by local ordinance. If a bid for the property is not offered at the public auction, the sheriff may destroy or otherwise dispose of the property. [Formerly 488.910; 1999 c.391 §4]

830.890 Public notice to persons having interest in seized property; court action; sale of property at public auction; disposition of proceeds. (1) If the hull or component identification number of property seized pursuant to ORS 830.880 is not established or if the property is reported as stolen by the National Crime Information Center the police agency having custody of the property shall, after making reasonable efforts to ascertain the names and addresses of the owner and all persons of record having an interest in the property, notify the person from whom the property was seized, and the owner and such other persons if they can be ascertained, of their right to respond within 60 days from the issuance of the notice through court action for the return of the seized property. The taking of the property, the description thereof and a statement of the rights of an owner or other persons of record having an interest in the property to respond through court action for the return of the seized property shall be advertised in a daily newspaper published in the city or county where the property was seized, or if a daily newspaper is not published in such city or county, in a newspaper having weekly circulation in the city or county, once a week for two consecutive weeks and by handbills posted in three public places near the place of seizure.

(2) If court action is not initiated within 60 days from the issuance of notice the property shall be sold at public auction by the sheriff or other local police agency having custody of the property. Property seized and held by or at the direction of the Department of State Police under ORS 830.880 shall be delivered to the sheriff of the county in which the vehicle was located at the time

it was taken into custody for sale under this subsection. The sheriff or other local police agency shall, after deducting the expense of keeping the property and the cost of sale, pay all the security interests, according to their priorities which are established by intervention or otherwise at such hearing or in other proceeding brought for that purpose, and shall pay the balance of the proceeds into the general fund of the unit of government employing the officers of the selling police agency. [Formerly 488.915; 1999 c.391 §5]

830.895 Renumbering; inspection requirement. (1) A police agency having custody of a boat or component for which an identification number is not established or a person to whom a boat or component has been returned pursuant to ORS 830.885 shall apply to the State Marine Board for an identification number.

(2) Except as provided in subsection (1) of this section the board shall not assign an identification number to a boat or component from which the identification number assigned to the boat or component by the board has been removed, defaced, covered, altered or destroyed unless the boat or component has been inspected pursuant to ORS 830.880. [Formerly 488.920]

830.905 [Formerly 488.650; repealed by 1999 c.692 §13]

830.907 [1999 c.692 §2; 2003 c.693 §4; repealed by 2013 c.680 §16]

ABANDONED AND DERELICT VESSELS

830.908 Definitions for ORS 830.908 to 830.948. As used in ORS 830.908 to 830.948:

(1) “Abandoned vessel” means a vessel that has been left without authorization on public or private land, the waters of this state, or any other water.

(2) “Business day” means any day other than a Saturday, a Sunday or a legal holiday as described in ORS 187.010.

(3) “Derelict vessel” means a vessel that is on the waters of this state and that is:

(a) Sunk or in imminent danger of sinking;

(b) Obstructing a waterway;

(c) Endangering life or property; or

(d) In such dilapidated condition that it is in danger of becoming a significant environmental hazard as evidenced by repeated and documented instances of leaking fuel, sewage or other pollutants.

(4) “Enforcement agency” means a law enforcement agency, a federal agency, the State Marine Board or any other public body, as defined in ORS 174.109, that has responsi-

bility for land or water on which an abandoned vessel or a derelict vessel is located.

(5) "Owner" means a person who has a property interest in a vessel.

(6)(a) "Vessel" means a boat, a boathouse as defined in ORS 830.700, a floating home as defined in ORS 830.700, or any other floating structure that is normally secured to a pier or pilings.

(b) "Vessel" does not include a dock as defined in ORS 307.120. [2013 c.680 §2]

830.909 [1999 c.692 §3; 2003 c.693 §5; repealed by 2013 c.680 §16]

830.910 [Formerly 488.655; repealed by 1999 c.692 §13]

830.911 Authority to seize abandoned vessel or derelict vessel. (1) An enforcement agency may seize a vessel as an abandoned vessel if:

(a) The enforcement agency has probable cause to believe the vessel is an abandoned vessel; and

(b) An owner does not move the vessel to a place where the vessel can be lawfully kept within the time specified in the notice given under ORS 830.918, or within such additional time as may be specified in an order issued under ORS 830.936 (6).

(2) An enforcement agency may seize a vessel as a derelict vessel if:

(a) The enforcement agency has probable cause to believe the vessel is a derelict vessel and the enforcement agency documented the facts supporting that belief; and

(b) The owner does not correct the problems identified in the notice given under ORS 830.918 within the time specified in the notice, or within such additional time as may be specified in an order issued under ORS 830.936 (6).

(3) A vessel may be seized as a derelict vessel by reason of an imminent danger of sinking only if the enforcement agency has documented the facts supporting the belief that the vessel is in imminent danger of sinking.

(4) If an enforcement agency has probable cause to believe a vessel is an abandoned vessel or a derelict vessel, the enforcement agency may:

(a) Secure the vessel in such a manner as to prevent harm to life or damage to property or to prevent the vessel from becoming a hazard to navigation.

(b) Take action to mitigate any imminent environmental threat the vessel poses.

(c) Salvage, tow and store the vessel.

(5) If an enforcement agency has probable cause to believe a vessel is an abandoned

vessel, the enforcement agency may enter and inspect the interior of the vessel, and objects in plain view within the interior of the vessel, only to the extent necessary to identify the owners of the vessel.

(6) If an enforcement agency has probable cause to believe a vessel is a derelict vessel by reason of endangering life or property, or by reason of being in danger of becoming an environmental hazard, the enforcement agency may enter and inspect the interior of the vessel, objects in plain view within the interior of the vessel, and closed compartments within the interior of the vessel, only to the extent necessary to determine whether the vessel endangers life or property, or is in danger of becoming an environmental hazard.

(7) An Oregon State Police officer, a sheriff, a deputy sheriff or a municipal police officer may enter privately owned land for the purpose of determining whether a vessel is abandoned only with the consent of the landowner. [2013 c.680 §3]

830.912 [1999 c.692 §4; 2003 c.693 §6; repealed by 2013 c.680 §16]

830.914 [1999 c.692 §5; 2003 c.693 §7; repealed by 2013 c.680 §16]

830.915 [Formerly 488.660; repealed by 1999 c.692 §13]

830.917 [1999 c.692 §6; 2003 c.693 §8; repealed by 2013 c.680 §16]

830.918 Preseizure notice. (1) Except as provided in ORS 830.923, at least 10 business days before seizing an abandoned vessel or a derelict vessel an enforcement agency shall provide notice by:

(a) Attaching a notice to the vessel;

(b) If the vessel has or had a certificate under ORS 830.770 or 830.775, mailing notice to the persons last shown as owners of the vessel in the records of the State Marine Board; and

(c) Mailing notice to any other person for whom the enforcement agency has obtained a mailing address and who the enforcement agency has reason to believe is an owner of the vessel.

(2) The notice required under this section must include:

(a) The name, address and telephone number of the enforcement agency.

(b) A statement indicating whether the enforcement agency proposes to seize the vessel by reason of being an abandoned vessel, a derelict vessel, or both.

(c) The time by which the owner must act to avoid having the vessel seized.

(d) A statement indicating that if the vessel is seized, the owner will be liable for the costs of salvage, towing and storage of the vessel.

(e) A statement indicating that if the vessel is seized the vessel may be destroyed or sold if the costs of salvage, towing, storage and disposal are not paid.

(f) A statement indicating the owner may request a hearing before the enforcement agency seizes the vessel, and the time and manner in which a request may be made.

(3) In addition to the requirements of subsection (2) of this section, if an enforcement agency proposes to seize a vessel by reason of being an abandoned vessel the notice required by this section must indicate that:

(a) The vessel will be seized unless the owner moves the vessel to a place where the vessel can be lawfully kept within the time specified in the notice; and

(b) The owner may be cited for failure to remove an abandoned vessel if the owner fails to move the vessel to a place where the vessel can be lawfully kept within the time specified in the notice.

(4) In addition to the requirements of subsection (2) of this section, if an enforcement agency proposes to seize a vessel by reason of being a derelict vessel the notice required by this section must indicate:

(a) The reason or reasons that the enforcement agency believes that the vessel is a derelict vessel;

(b) That the vessel will be seized unless either the problems identified in the notice are remedied within the time specified in the notice; and

(c) That the owner may be cited for possession of a derelict vessel if the owner fails to remedy the problems identified in the notice within the time specified in the notice.

(5) An owner of a vessel may request a hearing before an enforcement agency seizes a vessel under ORS 830.908 to 830.948 by submitting a request for hearing to the enforcement agency not more than 10 business days after the notice required by this section is given. The request must indicate if the owner contends that the vessel is not abandoned or derelict, or indicate such other specific grounds on which seizure of the vessel is challenged. [2013 c.680 §4]

830.919 [1999 c.692 §7; 2003 c.693 §9; repealed by 2013 c.680 §16]

830.920 [Formerly 488.665; repealed by 1999 c.692 §13]

830.922 [1999 c.692 §8; 2003 c.693 §10; repealed by 2013 c.680 §16]

830.923 Seizure without notice. (1) Nothing in ORS 830.908 to 830.948 affects the ability of an enforcement agency to immediately seize without notice a vessel that

presents a hazard to navigation or an imminent threat to public health or safety.

(2) If an enforcement agency seizes without notice a vessel that presents a hazard to navigation or an imminent threat to public health or safety, and the enforcement agency wishes to dispose of the vessel under ORS 830.908 to 830.948, the enforcement agency shall provide notice as described in ORS 830.931. [2013 c.680 §5]

830.924 [1999 c.692 §9; 2003 c.693 §11; repealed by 2013 c.680 §16]

830.925 [Formerly 488.670; repealed by 1999 c.692 §13]

830.926 [2003 c.693 §2; 2013 c.680 §13; renumbered 830.948 in 2013]

830.927 [1999 c.692 §10; 2003 c.693 §12; repealed by 2013 c.680 §16]

830.928 Manner and time of seizure. (1) An enforcement agency may seize an abandoned vessel or a derelict vessel under ORS 830.908 to 830.948 by:

(a) Taking physical control of the vessel by towing or other means;

(b) Posting a notice on the vessel that indicates that the vessel has been seized, and giving the name, address and telephone number of the enforcement agency; or

(c) Marking a sunken vessel with a buoy that has the name and telephone number of the enforcement agency.

(2) An abandoned vessel or a derelict vessel is considered to have been seized for the purposes of ORS 830.908 to 830.948 at the time the enforcement agency takes physical control of the vessel under subsection (1)(a) of this section, posts a notice on the vessel under subsection (1)(b) of this section or marks the vessel under subsection (1)(c) of this section. [2013 c.680 §5a]

830.930 [Formerly 488.675; repealed by 1999 c.692 §13]

830.931 Post-seizure notice. (1) Not more than seven days after an enforcement agency seizes a vessel under ORS 830.908 to 830.948, the enforcement agency shall post notice in the form required by this section on any website maintained by the enforcement agency and mail a copy of the notice to the persons described in ORS 830.918 (1).

(2) The notice required under this section must include the date by which the costs of salvage, towing and storage must be paid to avoid title to the vessel vesting in the enforcement agency. The date may not be less than 30 days after the date on which the vessel was seized.

(3) The notice required under this section must include a description of the vessel and of any personal property located on the vessel, and state all of the following:

- (a) That the vessel has been seized.
- (b) The time of the seizure.
- (c) The name, address and telephone number of the enforcement agency.

(d) The reason the vessel was seized.

(e) That the owners of the vessel are liable for salvage, towing, storage and disposal costs incurred by the enforcement agency by reason of the seizure, and the amount of those costs that have accrued as of the date of the notice.

(f) That title to the vessel will vest in the enforcement agency if the costs of salvage, towing and storage are not paid, and the date by which those costs must be paid.

(g) That the owner may request a hearing, and the time and manner for requesting a hearing.

(h) That the owner may challenge the reasonableness of any salvage, towing or storage costs at the hearing.

(i) That the vessel and its contents may be immediately reclaimed by presenting proof of ownership or right to possession and payment of the costs that have accrued.

(4) Except as provided in subsection (5) of this section, an owner of a vessel may request a hearing after an enforcement agency seizes a vessel under ORS 830.908 to 830.948 by submitting a written request for hearing to the enforcement agency not more than 10 business days after the notice required by this section is given. The request must include a statement of the specific grounds on which the seizure is challenged, and whether the owner challenges the reasonableness of any salvage, towing or storage costs incurred by the enforcement agency.

(5) If an owner of a vessel requested a hearing under ORS 830.918 (5), the owner may request a hearing under subsection (4) of this section only for the purpose of challenging the reasonableness of any salvage, towing or storage costs incurred by the enforcement agency. [2013 c.680 §6]

830.933 Reclamation of seized vessel.

(1) At any time before the date specified in the notice given pursuant to ORS 830.931 (2), any owner may reclaim the vessel by:

(a) Paying all costs incurred by the enforcement agency in salvaging, towing and storing the vessel; and

(b) Establishing to the satisfaction of the enforcement agency that the owner is able to move the vessel to a place where the vessel can be lawfully kept.

(2) If a vessel seized under ORS 830.908 to 830.948 is not reclaimed in the manner provided by this section, title to the vessel and all personal property found in the vessel

vests in the enforcement agency, and the enforcement agency may sell or otherwise dispose of the vessel and the property. [2013 c.680 §9]

830.935 [Formerly 488.680; repealed by 1999 c.692 §13]

830.936 Hearing. (1) If an owner of a vessel requests a pre-seizure hearing as provided in ORS 830.918 (5), the enforcement agency may not seize the vessel until after the hearing.

(2) If an owner of a vessel requests a hearing as provided in ORS 830.918 (5) or 830.931 (4), the enforcement agency shall set a time for the hearing that is no more than seven business days after the enforcement agency receives the request. The enforcement agency shall provide notice of the hearing to the person requesting the hearing, and to all other persons described in ORS 830.918 (1).

(3) If an owner of a vessel requests a hearing under this section and fails to appear at the hearing, the owner is not entitled to another hearing unless the owner shows good reasons to the enforcement agency for the person's failure to appear.

(4) An enforcement agency shall conduct a single hearing under this section for all requests for hearing that relate to the same vessel.

(5) Hearings held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the standards for presentation of evidence under ORS 183.450.

(6) If the notice given under ORS 830.918 indicates that the enforcement agency proposes to seize a vessel by reason of being an abandoned vessel, and the owner of a vessel requests a pre-seizure hearing under ORS 830.918 (5), the owner may present a plan of action for moving the vessel to a place where the vessel can be lawfully kept. If the notice given under ORS 830.918 indicates that the enforcement agency proposes to seize a vessel by reason of being a derelict vessel, and the owner of a vessel requests a pre-seizure hearing under ORS 830.918 (5), the owner may present a plan of action for remedying the problems identified in the notice. If the hearing officer approves the plan of action, the hearing officer by order may establish a time for moving the vessel, or remedying the problems, that is later than the time specified in the notice. If the hearing officer issues an order under this subsection, and the owner fails to move the vessel, or to remedy the problems, within the time allowed, the enforcement agency may seize the vessel and take such other action authorized under ORS 830.908 to 830.948 without further notice to the owner or opportunity for hearing except:

(a) Giving post-seizure notice under ORS 830.931; and

(b) If the owner requests a hearing under ORS 830.918 (5), allowing the owner to challenge the reasonableness of salvage, towing or storage costs as provided under ORS 830.931 (5).

(7) If the owner of a vessel requests a post-seizure hearing under ORS 830.931 (4) to challenge the reasonableness of costs incurred by the enforcement agency in salvaging, towing or storage of the vessel, costs that were incurred in compliance with laws, ordinances or rules establishing allowable costs for those purposes are reasonable as a matter of law.

(8) If an enforcement agency determines after a hearing under this section that seizure of the vessel is not warranted under the law, the enforcement agency shall immediately release custody of the vessel to the owner who requested the hearing and may not charge the owner any costs incurred by the agency in salvaging, towing or storage of the vessel.

(9) If an enforcement agency determines after a hearing under this section that seizure of the vessel is warranted, the enforcement agency shall seize the vessel if the vessel has not already been seized and dispose of the vessel as provided in ORS 830.933.

(10) An enforcement agency shall mail a written statement of the enforcement agency's determination to all owners who requested a hearing under this section.

(11) The hearing officer at a hearing under this section may be an officer, official or employee of the enforcement agency but may not have participated in any determination or investigation related to seizure of the vessel that is the subject of the hearing.

(12) If the enforcement agency conducting a hearing under this section is a state agency, the determination of the enforcement agency is an order other than a contested case and is subject to review under ORS 183.484. If the enforcement agency conducting a hearing under this section is not a state agency, judicial review of the order is as provided in ORS 34.010 to 34.100. [2013 c.680 §7]

830.938 Liability for costs of salvage, towing and storage. (1) Except as otherwise provided in ORS 830.908 to 830.948, the owner of an abandoned vessel or a derelict vessel is liable to an enforcement agency for all costs arising out of salvage, towing, storage and disposal of a vessel seized under ORS 830.908 to 830.948. Any order imposing liability for those costs is subject to judicial review as provided in ORS 830.936 (12).

(2) If an enforcement agency sells a vessel seized under ORS 830.908 to 830.948, the liability imposed under this section shall be reduced by the net proceeds of the sale.

(3) Except for costs of reclaiming a vessel under ORS 830.933 (1), an owner of a vessel whose only interest in the vessel is a security interest is not liable for costs arising out of salvage, towing, storage and disposal of a vessel under ORS 830.908 to 830.948. [2013 c.680 §8]

830.940 Use of contractor. An enforcement agency may enter into a contract with any person to carry out the provisions of ORS 830.908 to 830.948 on behalf of the enforcement agency. [2013 c.680 §11]

830.944 Offenses. (1) A person commits the offense of failure to remove an abandoned vessel if the person is the owner of an abandoned vessel and, after notice is given under ORS 830.918, the person fails to move the vessel to a place where the vessel can be lawfully kept within the time specified in the notice, or within the time allowed under an order issued under ORS 830.936 (6).

(2) A person commits the offense of possession of a derelict vessel if the person is the owner of a derelict vessel and, after notice is given under ORS 830.918, the person fails to remedy the problems identified in the notice within the time specified in the notice, or within the time allowed under an order issued under ORS 830.936 (6).

(3) An owner of a vessel does not violate this section if the owner's only interest in the vessel is a security interest. [2013 c.680 §12]

830.948 Salvaged Vessel Subaccount; sources; limits; uses. (1) The Salvaged Vessel Subaccount is established within the Boating Safety, Law Enforcement and Facility Account created under ORS 830.140. The subaccount shall consist of moneys deposited into the subaccount by the State Marine Board from fees collected pursuant to ORS 830.790 and 830.850. The moneys in the subaccount are continuously appropriated to the board for the purposes specified in this section.

(2) The board may not deposit more than \$150,000 per biennium into the Salvaged Vessel Subaccount and may not retain more than \$150,000 in the subaccount at any time. After the board has deposited \$150,000 into the subaccount under this subsection or any time there is more than \$150,000 in the subaccount, any remaining moneys from fees collected pursuant to ORS 830.790 and 830.850 shall be deposited in the Boating Safety, Law Enforcement and Facility Account.

(3) The board may use the moneys in the Salvaged Vessel Subaccount to pay the ex-

penses of the board in implementing ORS 830.908 to 830.948 that are associated with the salvage, towing, storage and disposal of:

(a) Vessels other than boats that are abandoned vessels or derelict vessels; and

(b) Vessels that are boats of less than 200 gross tons.

(4) The board may use the moneys in the Salvaged Vessel Subaccount to pay an enforcement agency for no more than 90 percent of the costs of salvage, towing, storage and cleanup of an abandoned vessel or a derelict vessel that has or had a certificate under ORS 830.770 or 830.775 and that is:

(a) A boat of less than 200 gross tons; or

(b) Any other abandoned vessel or derelict vessel that is not a boat.

(5) The board may use the moneys in the Salvaged Vessel Subaccount to pay an enforcement agency for no more than 75 percent of the costs of salvage, towing, storage and cleanup of an abandoned vessel or a derelict vessel that has never had a certificate under ORS 830.770 or 830.775 and that is:

(a) A boat of less than 200 gross tons; or

(b) Any other abandoned vessel or derelict vessel that is not a boat.

(6) The board may reimburse an enforcement agency under subsection (4) or (5) of this section for costs associated with an abandoned vessel or a derelict vessel only if the enforcement agency complied with ORS 830.908 to 830.948 in seizing the vessel.

(7) The board may use the moneys in the Salvaged Vessel Subaccount to award grants to the state, a city, a county, a water improvement district, a park and recreation district or a port as provided in ORS 830.150 for the disposal of a vessel that has or had a certificate under ORS 830.770 or 830.775 and that the owner has surrendered to an accepting public agency if:

(a) The public agency has determined that the vessel was in danger of being an abandoned vessel or a derelict vessel and was likely to cause damage to the environment or become a hazard to navigation; and

(b) The decision to accept the vessel was based solely on the public agency's determination under paragraph (a) of this subsection.

(8) The board may recover payments made from the Salvaged Vessel Subaccount from an owner of a vessel who is liable for the costs of salvage, towing, storage and disposal under ORS 830.938. The board shall deposit all funds recovered under this section into the subaccount in accordance with the provisions of subsection (2) of this section. [Formerly 830.926]

SUBMERSIBLE POLYSTYRENE

830.950 Definitions for ORS 830.955. As used in ORS 830.955:

(1) "Encapsulated" means a protective covering or physical barrier between the polystyrene device and the water.

(2) "Submersible polystyrene device" means any molded or expanded type of polystyrene foam used for flotation. [1991 c.759 §2]

830.955 Prohibition of installation of submersible polystyrene device. (1) No person shall install a submersible polystyrene device on a dock, buoy or float unless the device is encapsulated by a protective covering or is designed to prevent the polystyrene from disintegrating into the waters of this state.

(2) A person may repair and maintain a dock or float existing on September 29, 1991, with an expanded submersible polystyrene device in accordance with rules adopted by the State Marine Board under ORS 830.110.

(3) The board shall publish and distribute information to the public regarding the proper use and installation of submersible polystyrene devices. [1991 c.759 §§3,4,5]

PENALTIES

830.990 Penalties. (1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person operating a manually propelled boat is \$30.

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

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

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

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

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

(6) A person who violates ORS 830.383 or 830.909 commits a Class B misdemeanor.

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

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

(9) A person who violates ORS 830.944 commits a Class A violation. [Formerly 488.991; 1991 c.759 §7; 1997 c.74 §2; 1997 c.568 §5; 1997 c.737 §6; 1999 c.550 §4; 1999 c.692 §12; 1999 c.716 §13a; 1999 c.1051 §95; 2003 c.157 §1; 2005 c.299 §3; 2009 c.303 §3; 2009 c.764 §12; 2011 c.381 §1; 2011 c.597 §329; 2013 c.1 §97; 2013 c.186 §4; 2013 c.680 §17]

Note: 830.909 was repealed by section 16, chapter 680, Oregon Laws 2013. The text of 830.990 was not amended by enactment of the Legislative Assembly to reflect the repeal. Editorial adjustment of 830.990 for the repeal of 830.909 has not been made.

830.992 Penalty for purchase of boat or equipment from which hull or component identification number removed. Any person who knowingly buys, receives, disposes of, sells, offers for sale or possesses any boat or component from which the hull identification number assigned to the boat or component identification number has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the boat or component commits a Class A misdemeanor. [Formerly 488.993; 1999 c.391 §6]

830.994 Additional penalties for violation of ORS 830.325. (1) When a person is convicted of a violation of any provision of ORS 830.325, the court shall comply with the following in addition to any other penalty imposed upon the person under ORS 830.990:

(a) Order the person not to operate a boat for a period of one year;

(b) Order the person to complete a boating safety course approved by the State Marine Board; and

(c) Include in the record of conviction a finding whether the person willfully refused the request of a peace officer to submit to chemical testing of the breath or a field sobriety test pursuant to ORS 830.505 and 830.550. For purposes of this subsection, a person shall be found to have willfully refused the request if the person was informed about rights and consequences concerning the test under ORS 830.505 and 830.545 and refused to submit to the test.

(2) The record of conviction of each person convicted of violating ORS 830.325 shall be sent by the court to the board within 14

days of the entry of the judgment of conviction in the court register.

(3) A person who knowingly operates a boat in violation of a court order under subsection (1)(a) of this section commits a Class A misdemeanor. [1991 c.931 §14; 1997 c.568 §6]

830.995 [Formerly 488.995; repealed by 1999 c.1051 §97]

830.997 Penalty for charter boat violations. (1) Violation of ORS 830.435 or 830.460 or a rule adopted pursuant to ORS 830.450 is a Class A misdemeanor.

(2) Violation of ORS 830.440 is a Class B misdemeanor. [1989 c.885 §7; 1999 c.1051 §96; 2013 c.146 §11]

830.998 Penalty for failing to stop at an aquatic invasive species check station.

(1) A person who is transporting a recreational or commercial watercraft and fails to stop and submit to an inspection at an aquatic invasive species check station operated by the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture as provided under ORS 830.589 commits a Class D violation.

(2) Notwithstanding ORS 153.042, an enforcement officer may issue a citation under subsection (1) of this section when the conduct alleged to constitute a violation has not taken place in the presence of the enforcement officer, if the enforcement officer has reasonable grounds to believe that the conduct constitutes a violation on the basis of information received from an employee of an agency authorized to operate an aquatic invasive species check station who observed the violation. [Subsections (1) and (2) of 2011 Edition formerly 570.990(2) and (3)]

Note: 830.998 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

830.999 Penalty for transporting aquatic invasive species; exceptions; use of penalty moneys; rules. (1) A person is subject to a civil penalty in an amount to be determined by the State Fish and Wildlife Director of not more than \$6,250 if the person knowingly transports aquatic invasive species on or in a recreational or commercial watercraft. A second or subsequent violation of this subsection within a five-year period shall result in a civil penalty in an amount not less than \$5,000 and not more than \$15,000.

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

(a) A person who transports aquatic invasive species in ballast water.

(b) A person who complies with all instructions for the proper decontamination of

the recreational or commercial watercraft given by an employee authorized under ORS 830.589 (1) to inspect recreational or commercial watercraft.

(c) A person who transports aquatic invasive species to the State Department of Fish and Wildlife or the State Department of Agriculture, or to another destination designated by the State Fish and Wildlife Commission by rule, in a manner designated by the commission for purposes of identifying or reporting an aquatic invasive species.

(3) The civil penalties authorized in this section shall be imposed as provided in ORS 183.745. Any civil penalty recovered under this section shall be deposited in the State

Wildlife Fund. The commission by rule shall adopt the formula the State Fish and Wildlife Director shall use in determining the amount of civil penalties under this section. [Formerly 570.865]

Note: 830.999 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

CHAPTERS 831 TO 834

[Reserved for expansion]