

CHAPTER 155

AN ACT

HB 2077

Relating to operators of boat liveries; creating new provisions; and amending ORS 830.410, 830.600, 830.770 and 830.990.

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

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 830.

SECTION 2. (1) A person may not act as an operator of a boat livery without a boat livery registration issued by the State Marine Board.

(2) Application for a boat livery registration must be made in the form prescribed by the board and must contain the following:

(a) The applicant's name.

(b) The applicant's business address and telephone number.

(c) Proof of registration with the Secretary of State, if required.

(d) The number and types of boats provided by the livery at the time of registration.

(e) Any other information the board considers necessary.

(3) Every two years, each operator of a boat livery shall renew the boat livery registration by submitting a renewal application in the form prescribed by the board.

(4) An operator of a boat livery shall display proof of compliance with this section in the form and manner prescribed by the board.

SECTION 3. ORS 830.410 is amended to read:

830.410. [No operator of a] **An operator of a boat livery [shall] may not** 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.

SECTION 4. ORS 830.770 is amended to read:

830.770. (1) [No person shall] **A person may not** operate a boat on the waters of this state, and [no] **an owner of a boat [shall] may not** knowingly allow another **person** 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] **an operator of a boat livery** are not required to carry the certificate of number on the boat, provided:

(a) The [livery owner] **operator of the boat livery** 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.

SECTION 5. ORS 830.600 is amended to read:

830.600. 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 **and section 2 of this 2019 Act** do not apply to seaplanes as defined in ORS 835.200.

SECTION 6. ORS 830.990 is amended to read:

830.990. (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 section 2 of this 2019 Act**, 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 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.

Approved by the Governor May 24, 2019
Filed in the office of Secretary of State May 28, 2019
Effective date January 1, 2020
