

CHAPTER 119

AN ACT

SB 1589

Relating to motorboats; creating new provisions; amending ORS 830.643, 830.649 and 830.652; and declaring an emergency.

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

SECTION 1. ORS 830.643 is amended to read:

830.643. (1) A person may obtain a towed watersports endorsement if:

(a)(A) The person is a resident of this state and the person holds a boating safety *[certificate]* **education card** issued under ORS *[830.084]* **830.086**; or

(B) The person is not a resident of this state and the person holds a current out-of-state boating certificate;

(b) The person passes the towed watersports endorsement examination, or the equivalency examination, as described in ORS 830.640;

(c) The person pays the fee established by the State Marine Board under ORS 830.646; and

(d) The person provides any other information required by the board by rule.

(2) A person may obtain a towed watersports motorboat certificate if the person is the owner of a registered motorboat and:

(a) The person holds a towed watersports endorsement issued under this section;

[(b) The motorboat loading weight meets the requirements for maximum loading weight established by the board by rule;]

(b) The maximum loading weight of the motorboat is less than 5,500 pounds, which is the sum of the factory-specified dry gross weight of the motorboat and the factory-specified maximum factory ballast capacity of the motorboat;

(c) The person provides the board with information regarding the motorboat's make, model, length, dry gross weight and maximum factory ballast capacity specifications as listed by the manufacturer; and

(d) The person provides any other information required by the board by rule.

(3) A towed watersports endorsement and towed watersports motorboat certificate issued under this section starts on the day the endorsement or certificate is issued and expires on December 31 of the last year in the two-year period.

(4) A person issued a towed watersports endorsement or towed watersports motorboat certificate under this section may renew the endorsement or certificate by:

(a) Paying the towed watersports endorsement renewal fee established under ORS 830.646; and

(b) Completing an application in the form and manner required by the board by rule.

(5) The board shall issue a towed watersports motorboat certificate in the form of a decal. *[The decal must be affixed to the motorboat in accordance*

with rules adopted by the board.] The decal must be affixed to the forward portion of the motorboat, visible above the waterline and in accordance with rules adopted by the board.

(6) The board may appoint agents to issue towed watersports endorsements and towed watersports motorboat certificates.

(7) Agents shall issue towed watersports endorsements and towed watersports motorboat certificates in accordance with procedures prescribed by the board by rule and shall charge and collect the endorsement fees prescribed by law.

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

(9) The board shall supply the agents with towed watersports endorsements and towed watersports motorboat certificates, if applicable.

SECTION 2. ORS 830.649 is amended to read:

830.649. (1) As used in this section,]:

(a) "Newberg Pool Congested Zone" means the portion of the Willamette River beginning at **Willamette Falls**, river mile *[30]* **26.6**, and ending at the **mouth of the Yamhill River**, river mile *[50]* **55**.

(b) "Towed watersports" has the meaning given that term by the State Marine Board by rule, but does not include wake surfing.

(c) "Wake surfing" means the activity of propelling an individual forward on equipment similar to a surfboard, using a boat's wake. The person may be holding a rope or free riding. Equipment used in this activity may include but is not limited to wake surf boards, wake boards, stand up paddleboards and hydrofoils.

(2) Subject to subsection (5) of this section, a person shall carry a towed watersports endorsement if the person is:

(a) Engaged in **towed watersports** *[wake surfing or wakeboarding as defined by the State Marine Board];* and

(b) On waters within the Newberg Pool Congested Zone.

(3) The owner of a motorboat shall display a towed watersports motorboat certificate decal if the motorboat is engaged in towed watersports within the Newberg Pool Congested Zone.

(4) The person shall present proof of a towed watersports endorsement and towed watersports motorboat certificate upon request by a peace officer.

(5) Within the Newberg Pool Congested Zone, a person may not:

(a) Use devices or individuals to increase wakes; and

(b) Engage in wake surfing.

SECTION 3. ORS 830.652 is amended to read:

830.652. (1) As used in this section, "Newberg Pool Congested Zone" means the portion of the Willamette River beginning at **Willamette Falls**, river

mile [30] **26.6** and ending at **the mouth of the Yamhill River**, river mile [50] **55**.

(2) Subject to subsection (3) of this section, the court shall, in addition to the penalties imposed under ORS 830.990 for the offenses listed in subsection (3) of this section:

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

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

(3) Subsection (2) of this section applies when:

(a) The peace officer who issued the citation notes on the citation that the offense occurred within the Newberg Pool Congested Zone; and

(b) The person has at least one prior conviction for violating any of the following statutes within a three-year period preceding the date of the person's current conviction and the prior offense also occurred within the Newberg Pool Congested Zone:

(A) ORS 830.305.

(B) ORS 830.315.

(C) ORS 830.335.

(D) ORS 830.340.

(E) ORS 830.345.

(F) ORS 830.355.

(G) ORS 830.360.

(H) ORS 830.362.

(I) ORS 830.365.

SECTION 4. (1) The State Marine Board may conduct a study on increasing or decreasing the maximum loading weight prescribed in ORS 830.643. If the board undertakes a study, the board shall determine on the basis of objective, peer-reviewed scientific research whether increasing or decreasing the maximum loading weight is likely to:

(a) Have an adverse effect on the waters, beds and banks of this state;

(b) Have an adverse effect on aquatic, nearshore and shoreline habitats, fish and wildlife habitats and salmonid habitats; or

(c) Exceed or violate state or federal turbidity limits.

(2) Before making a determination, the board shall consult with and receive comments from the Department of State Lands, the State Department of Fish and Wildlife and the Department of Environmental Quality.

(3) If the board undertakes a study under this section, the board shall report to the interim committees of the Legislative Assembly related to the environment, in the manner provided in ORS 192.245, on the board's research, findings, determinations and recommendations, including recommendations for legislative changes, if any.

SECTION 5. (1) The amendments to ORS 830.643 by section 1 of this 2022 Act apply to towed watersports motorboat certificates issued, renewed or replaced on or after the effective date of this 2022 Act.

(2) The amendments to ORS 830.649 and 830.652 by sections 2 and 3 of this 2022 Act apply to actions occurring on or after the effective date of this 2022 Act.

SECTION 6. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Approved by the Governor April 15, 2022

Filed in the office of Secretary of State April 19, 2022

Effective date April 15, 2022