

Enrolled
House Bill 2078

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Marine Board)

CHAPTER

AN ACT

Relating to boating safety education; amending ORS 830.084, 830.086, 830.088, 830.090, 830.092 and 830.094.

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

SECTION 1. ORS 830.084 is amended to read:

830.084. 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 **minimum** standard shall be consistent with the applicable standard established **or approved** by the National Association of State Boating Law Administrators. The board **by rule** 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*] **the courses** 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*] **education card** 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)*] **(8)** 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.

SECTION 2. ORS 830.092 is amended to read:

830.092. A boating safety [*certificate*] **education card** 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; **or**

[*(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)] (4) Is not a resident of this state, holds a [current out-of-state] boating safety [certificate] **education card approved by the National Association of State Boating Law Administrators** and has the [out-of-state certificate] **card** 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.]

SECTION 3. ORS 830.086 is amended to read:

830.086. A person may obtain a boating safety [certificate] **education card** if the person:

(1) Is at least 12 years of age;

(2) Passes the boating safety course and examination **described in ORS 830.084 (2)**, or the equivalency exam[, as] described in ORS 830.084 (3), or submits proof to the satisfaction of the State Marine Board that the person has taken a **boating safety** course that is substantively equivalent to the **boating safety** course described in ORS 830.084; and

(3) Pays the fee required by the board.

SECTION 4. ORS 830.088 is amended to read:

830.088. A person 12 to 15 years of age [with] **who has obtained** a boating safety [certificate] **education card** may operate a motorboat with an engine of 10 horsepower or less. In addition, a person 12 to 15 years of age [with] **who has obtained** a boating safety [certificate] **education card** may operate a motorboat with an engine greater than 10 horsepower if accompanied by and under the direct supervision of a parent, guardian or responsible person 16 years of age or older who [possesses] **has obtained** a boating safety [certificate] **education card**.

SECTION 5. ORS 830.090 is amended to read:

830.090. 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] **education card** 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] **education card** pursuant to ORS 830.086.

SECTION 6. ORS 830.094 is amended to read:

830.094. A person [shall carry a boating safety certificate on the boat while] operating a motorboat[, as required,] **shall carry the person's boating safety education card on the boat** and shall present the [certificate] **card** to a peace officer upon request by the peace officer.

Passed by House March 6, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 16, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State