

Legislative Concept Development Work Session

Oregon Department of State Lands ADV Workgroup Meeting, Mar. 19, 2024

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Legislative Concept Placeholder Request

Request approved by the Land Board in February, 2024

Request

The Department requests approval to draft a placeholder legislative concept as needed to support implementation of the final statewide ADV program framework. The Department will have further details on what may be needed legislatively at the April 2024 State Land Board meeting. Current challenges that the Department may seek to address with a legislative concept include:

- Eliminating certain property handling and disposition requirements such as predisposal notice and storage periods for vessels determined to be waterway waste based on criteria related to condition and circumstance. Oregon laws that are meant to protect the rights of vessel owners do not account for boats which are intentionally discarded, are non-functional, or have been sunk for an extended period. Provisions could be added to state statute that allow for situations in which a vessel meeting certain criteria can be lawfully removed and disposed of without an unproductive and resource-intensive storage and notification process.
- Clarifying the responsibilities and liabilities of parties connected with abandoned and derelict boats. Definitively determining a legally responsible party to hold accountable for damages and incurred costs associated with an ADV is often not possible; compelling corrective action, enforcing penalties, and recouping costs is therefore difficult. Clarity regarding the roles of the operator/occupant, responsible party, and last titled owner could expand opportunities for enforcement agencies, including State agencies, to avoid absorbing undue costs.
- Securing sources of long-term stable funding for the program. Predictable, consistent funding will be crucial for the ongoing success of the program. The Workgroup has indicated revenue should be sourced from those who benefit from the manufacture, sale, and operation of boats, including recreational and commercial boaters, boat dealers, boat manufacturers, moorage and boating access providers, and commercial entities dependent upon boats for conducting business. Establishing new or increased fees for these groups would require legislative action.
- Implementing insurance or bonding requirements for vessels operating in Oregon. Though there are a number of situations in which a vessel owner must demonstrate certain levels of liability coverage to participate in elective activities, (for example, financing a vessel purchase through certain lending institutions or mooring a vessel in a facility that requires proof of insurance) there is no statewide requirement for vessel owners to maintain liability coverage or

to demonstrate financial ability to address the removal of the vessel from the water should it become necessary.

Ideas for Workgroup Consideration

1. Current statutes do not differentiate between a derelict boat that has recently become a hazard or in danger of sinking and a boat that is completely sunk, perhaps for an extended period of time, and deteriorating. Therefore, all notice, seizure, and storage requirements for an enforcement entity to remove the vessel still apply, which can raise costs and increase time delays substantially. Additionally, it is often impossible to identify the owner of a sunken vessel until after salvage operations have begun (if at all), causing further delays.

Possible Solutions

Add language to 830.908 that defines “marine debris” as a vessel or components of a vessel that no longer meet the definition of a “boat” or functional “boathouse” or “floating home.” Add language elsewhere that eliminates or reduces storage and notice requirements for marine debris. Additionally, for vessels in which an owner cannot be identified, eliminate storage requirements.

Add a third category of ADVs that captures sunk *and* no longer usable vessels. This category only includes boats with no propulsion machinery, obvious integral structure issues, and those that have been sunk for a period of time that would obviously render them not usable.

Add a separate section in statute for disposition of marine debris and sunk vessels. This section allows for the removal and immediate disposal of marine debris and sunk vessels with no storage requirements and no notice requirements.

2. The current definition of “abandoned vessel” is a vessel that has been left without authorization on public or private land, the waters of this state, or any other water. There is ambiguity in this definition with the word “left,” and whether an occupied boat that is on land or water without authorization has been “left”. Also, the statutory definition of “abandoned vessel” does not align with the traditional definition of the word abandoned, which often causes confusion with the public and other enforcement agencies.

Possible Solutions

Add a definition for “Vessel in trespass” that means a vessel that is located on public or private land, the waters of this state, or any other water without authorization. Include trespassing vessels with abandoned and derelict vessels in how they must be managed, removed, stored, etc.

Or

Amend the definition of “abandoned vessel” to read “a vessel that is located on public or private land, the waters of this state, or any other water without authorization.

3. Determination of legal ownership of a vessel can be extraordinarily difficult, especially for some jurisdictions and enforcement agencies that have limited resources. With many vessels, identifying the titled owner is impossible (no identifying information on the vessel, vessels that are no longer documented by any state or federal entity). Also, when vessels are encountered in which no documentation or official actions have been taken for a period of time (a vessel that has not been registered or reported sold for 10+ years, for example), an actual owner is rarely identified.

Possible Solutions

Add provisions for which a boat that is abandoned, derelict, or trespassing, and that has no official actions on the title or registration of that boat for a specified period of time, can be disposed of in the same manner as marine debris and sunk and unusable vessels.

Add language that allows a vessel to be disposed of in the same manner as marine debris and sunk and unusable vessels if the enforcement agency performing the removal/disposal made reasonable efforts to determine an owner and documents those efforts.

4. If a vessel has ever been registered in Oregon, current statutes require seizure notices to be sent “to the persons last shown as owners of the vessel in the records of the State Marine Board.” There is ambiguity as to how this relates to vessels documented by other states or the federal government. Additionally, State Marine Board records often have information on other people with an interest in a vessel but for which a transaction has not been completed. For example, vessels for which a new “owner” has started but not completed an application for a new title, or vessels that were reported sold to another individual but that individual did not apply for a new title.

Possible Solutions

Amend the statute language that specifies to whom notice must be sent by mail to say “the persons last shown as owners of the vessel in the records of the State Marine Board, the vessel documenting agency of another state, and/or the U.S. Coast Guard.”

Replicate current statutes for reporting ownership information of vehicles to statutes regarding vessels:

Add language to the above that stipulates that ownership information includes any individual that is documented as potentially having an ownership interest, such as reported buyers or those that have applied for but not received a title, as potential owners that must be reported.

5. Disposition of personal property on sunken vessels typically follows laws and policies for disposition of non-submerged property. The process of sorting through, cataloguing, and allowing the retrieval of items associated with sunk vessels is often unsafe, unsanitary, and ill-advised.

Possible Solutions

Add provisions that personal property found on a sunken vessel, and potentially any abandoned or derelict vessel that has been seized and removed using the proper procedures, can be considered part of the vessel and can be stored and disposed of as such.

6. For the purposes of ADV seizure statutes, “owner” is defined as “a person who has a property interest in a vessel.” This includes the titled owner(s) and any lienholders, but is vague whether it refers to others with a possible interest, like reported buyers, those that have demonstrated interest to a documenting agency but not completed a transaction, and current vessel occupants. This introduces a significant challenge to an enforcement agency determining liability for an ADV for which other entities are known to be associated with the vessel but are not the titled owner.

Possible Solutions

Add “identified responsible party” definition where someone that is not a titled owner can more clearly be determined to be liable for an ADV. This would include but not be limited to an operator, occupant, an individual suspected of purposely dumping a vessel, or an individual otherwise determined to have primarily caused or allowed through direct action or inaction a vessel to become an ADV.

7. The Workgroup identified boaters and other users of waterways as primary stakeholders that may need to contribute to funding an ongoing ADV program.

Possible Solutions

Adjust fee schedule on recreational boats found in 830.790.

8. Enforcement agencies are frustrated by boats that do not meet the definition of abandoned or derelict but hold no value and have no valid reason to occupy the location. One example is a boat that has been stripped of propulsion machinery, steering, and seats and is resting on dry land below the ordinary high-water line. The boat does not meet the definition of abandoned unless the land manager asserts that it is not authorized (which for State lands typically cannot happen until the boat has exceeded the limited duration use timeframe of 30 days), and it is unclear if it can meet the definition of derelict because it is not in the water. These vessels often end up going adrift when the water rises due to tidal changes or high flows, or when third parties tamper with the boat.

Possible Solutions

Add the following to the definition of *derelict vessel*:

A vessel which is in close enough proximity to a waterway to reasonably assert that the vessel is at risk of entering the waterway either by force of nature of human activity and which:

- a. Has been damaged or altered to the point that the boat would not be expected to float;
- b. Is missing operational components such as engine, propeller, or steering wheel; or
- c. Is in a position or condition which indicates the vessel was deposited in its location by the action of the water (a cabin boat that is upside down on a riverbank).

9. There are no mandatory insurance requirements for recreational boats in Oregon. Many moorages require their tenants to carry some level of coverage as a condition of moorage, but there is no requirement on watercraft for insurance that parallels laws regarding motor vehicles. Additionally, most available coverages would not apply to situations in which a boat is abandoned or derelict and the State or other jurisdiction incurs costs associated with removing or otherwise mitigating hazards associated with that vessel.

Possible Solutions

Adopt language that requires vessels to carry insurance that explicitly covers salvage and removal should a vessel become abandoned or derelict.

(If such a concept was to be put forward, the private insurance industry would need to be engaged in language development. The fact that most ADV situations occur after a vessel is being maintained, both physically and legally, must also be considered.)

Review of pertinent statutes related to ADVs

Oregon Department of State Lands ADV Workgroup Meeting, Mar. 19, 2024

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 responsibility 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.

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.
- (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.

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.

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]

830.923 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.

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.

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.

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.

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 preseizure 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 preseizure 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.

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.

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.

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 expenses 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.

FEES FOR RECREATIONAL BOATS

830.790 Certificate or registration fees.

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

- (a) \$5 plus \$5.95 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 308.674.
- (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 \$90 plus \$10 for each boat instead of the fee otherwise provided in this section.

(5) For each original or renewal certificate fee collected under subsection (1)(a) of this section, the State Marine Board shall deposit \$5 of the amount collected into the Aquatic Invasive Species Prevention Fund established under ORS 830.585.