

D R A F T

SUMMARY

Prohibits operating boat with child 12 years of age or under unless child is wearing properly sized and secured personal flotation device. Punishes by maximum fine of \$1,000.

Prohibits operating or riding personal watercraft unless wearing properly sized and secured personal flotation device. Punishes by maximum fine of \$250. Defines “personal watercraft.”

A BILL FOR AN ACT

Relating to personal flotation devices; creating new provisions; and amending ORS 830.215 and 830.990.

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

SECTION 1. ORS 830.215 is amended to read:

830.215. (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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 *types of personal flotation devices approved for various classes of vessels pur-*
2 *suant to subsection (2) of this section, a person operating a boat on any section*
3 *of waters rated class III or higher on a commonly accepted scale of river dif-*
4 *ficulty, and all passengers in the boat, shall wear a properly secured personal*
5 *flotation device. The personal flotation device must be of a type prescribed by*
6 *rules adopted by the State Marine Board.]*

7 **(2) The State Marine Board by rule shall:**

8 **(a) Classify types of personal flotation devices required under this**
9 **section;**

10 **(b) Specify which types of personal flotation devices are approved**
11 **for various classes of vessels; and**

12 **(c) Specify which types of personal flotation devices are approved**
13 **for children 12 years of age or under.**

14 **(3) A person shall wear a properly sized and secured personal**
15 **flotation device when the person is operating or riding in or on a boat**
16 **on any section of waters of this state rated class III or higher on a**
17 **commonly accepted scale of river difficulty.**

18 **(4) A person may not operate a boat on the waters of this state**
19 **while a child 12 years of age or under is on board, unless the child is**
20 **wearing a properly sized and secured personal flotation device.**

21 **(5) A person may not operate a personal watercraft unless each**
22 **person operating or riding on the personal watercraft is wearing a**
23 **properly sized and secured personal flotation device.**

24 **(6) The board may by rule provide exceptions to the requirements**
25 **to wear a personal flotation device under this section.**

26 **(7) The rules adopted under this section must be consistent with,**
27 **but may not exceed, those regulations promulgated by the United**
28 **States Coast Guard.**

29 **(8) As used in this section, “personal watercraft” means a**
30 **motorboat, less than 16 feet in length, propelled by machinery that:**

31 **(a) Uses an outboard motor or an inboard motor powering a water**

1 **jet pump as its primary source of propulsion; and**

2 **(b) Is designed to be operated by a person who is sitting, standing**
3 **or kneeling on the hull of the motorboat, rather than sitting or**
4 **standing on or inside in the conventional manner.**

5 **SECTION 2.** ORS 830.990 is amended to read:

6 830.990. (1) Violation of ORS 830.302 by a person operating a motorboat
7 or violation of ORS 830.565 by a person operating a sailboat that is at least
8 12 feet in length or a motorboat is a Class D violation. Notwithstanding ORS
9 153.019, the presumptive fine for a violation of ORS 830.302 or 830.565 by a
10 person operating a motorboat is \$50.

11 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094,
12 830.215 (1), (3) or (5), 830.230, 830.415, 830.624, 830.710, 830.720, 830.770,
13 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the purposes
14 of those statutes, commits a Class D violation.

15 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375,
16 830.475 (4), 830.480, 830.785, 830.805 or 830.825, or rules adopted to carry out
17 the purposes of those statutes, commits a Class C violation.

18 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187,
19 830.195, 830.210, **830.215 (4)**, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and
20 (3), 830.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.362, 830.365, 830.370,
21 830.410, 830.420, 830.425, 830.495, 830.560, 830.649, 830.775, 830.795 or 830.830,
22 or rules adopted to carry out the purposes of those statutes, commits a Class
23 B violation.

24 (5) A person who violates ORS 830.305, 830.390 or 830.944, or rules adopted
25 to carry out the purposes of those statutes, commits a Class A violation.

26 (6)(a) Notwithstanding subsection (4) of this section, a person who vio-
27 lates ORS 830.649 and has one or more prior convictions for violation of ORS
28 830.649 within a three-year period preceding the date of the person's current
29 conviction, commits a Class A violation.

30 (b) In addition to the penalty imposed under this subsection, the court
31 shall:

1 (A) Order the person not to operate a boat for a period of one year; and
2 (B) Order the person to complete a boating safety course approved by the
3 State Marine Board.

4 (7) A person who violates ORS 830.591 commits a Class C misdemeanor.

5 (8) A person who violates ORS 830.383 commits a Class B misdemeanor.

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

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

9 **SECTION 3. The amendments to ORS 830.215 and 830.990 by sections**
10 **1 and 2 of this 2023 Act apply to offenses occurring on or after the ef-**
11 **fective date of this 2023 Act.**

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