

NEWS

Oregon State Marine Board
Boat Oregon



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New Boating Laws for 2020 to Improve Environmental Stewardship, Safety, Education

The 2019 legislative session was a busy one in which seven bills were introduced by the agency. All of these passed, including the agency's operating budget. Most of the legislative concepts were in response to issues brought forward from stakeholder groups, boating clubs, advocacy groups, and agency partners. There were also several non-agency bills sponsored by legislators on behalf of interest/environmental groups or private citizens that affect Oregon boaters. One bill allows the Marine Board to consider land use planning (Goal 15) in any future rulemaking on boat operations on the Willamette River (HB 2351). Another, HB 2352, creates a towed watersports education program within the Marine Board and requires an additional education endorsement for anyone engaged in wakesurfing and wakeboarding activities on the Willamette River (Newberg Pool, RM 30-50) in Clackamas, Marion and Yamhill Counties.

Here's a run-down of the [new legislation](#) and some of the changes coming to recreational boaters beginning January 1, 2020:

- ⚓ To minimize the spread of aquatic invasive species, boaters will be required to **“pull the plug”** when leaving a waterbody and during transport to allow any water-holding compartments to drain. The fine for failure to pull the plug is \$30 for non-motorized boats and \$50 for motorized boats and is a Class D violation. Law enforcement was also given the authority to order a person back to an aquatic invasive species boat inspection station if a boater bypasses the mandatory boat inspection station and the station is within five miles. If a person fails to go back to the station for an inspection/decontamination, they can be charged with a Class C misdemeanor (\$1,250 and or 30 days in jail). Protecting our waterways from aquatic invaders is the goal and compliance with boat inspection station requirements is vital to achieving it.
- ⚓ Boat Rental Business (Livery) registration will be required so the agency can gather more robust information about the type of boats being rented and to provide businesses with applicable boating safety education and outreach materials for employees to pass along to their customers. Better-informed customers help make the waterways safer, and help protect the rental business from liability. There is no charge associated with registration, but failure to register is a Class B violation (\$265 fine). Current motorboat registration discounts apply.

- ⚓ There's no longer a 60-day boating safety education card exemption for new boat owners. Taking a boating safety course and carrying a boating safety education card is now required when operating a motorboat over 10 hp, regardless of when the boat was purchased. A new boat owner will need to take an approved boating safety education course and carry a boater education card before taking the boat out for a spin, just like a motor vehicle requires a valid driver's license. Most states have some form of mandatory education requirement and out-of-state boating safety education cards are accepted; however, if the resident state doesn't have boating safety education, the boat operators will need the Oregon boater safety education card. The mandatory education program was first enacted in 1999, so the program is now 20-years old.
- ⚓ The definition of reckless boating was updated to reflect the motor vehicle code. The Marine Board and the courts can now suspend a boating safety education card if the operator is convicted for reckless boating or boating under the influence of intoxicants (BUII). Suspensions allow for up to one year for convictions of reckless boating and 1-3 years for BUII. On another note, the fine was reduced for not carrying a properly fitting life jacket from a Class B violation (\$265) to a Class D violation (\$115), to mirror a seat belt infraction in the motor vehicle code.
- ⚓ Motorized boat registrations were increased to \$5.95 and fees are combined into a [flat fee](#) based on boat length. Title fees will increase to \$75 and the boating safety education card will increase to \$20. Replacement boating safety education cards will increase to \$16.
- ⚓ The Waterway Access Permit replaces the Aquatic Invasive Species Prevention Permit for non-motorized boats 10' long and longer. Permits are available online through ODFW's [eLicensing System](#) and beginning January 1, 2020, the one and two-year permits are available through the Marine Board's [Boat Oregon Store](#). There are three permit options: one week (7-days) for \$5 (through ODFW), one year for \$17, and two years for \$30. Rental businesses for non-motorized boats can receive bulk discounts for Waterway Access permits. A portion of the revenue will continue to support aquatic invasive species prevention program and new revenue will support non-motorized boating facility grants to facility providers for improvements or development of non-motorized boating access.

Non-Agency Legislation:

- ⚓ [HB 2652](#) –“The Helmet Law,” requires outfitter guides to offer helmets (whether for purchase or rent) to customers when recreating on waterways with Class III or higher whitewater rapids. The Marine Board approved rules for implementation during their October Board meeting, held on October 24, 2019.
- ⚓ [HB 3168](#) –Grants authority to the Marine Board to make rules for non-motorized lakes previously regulated in statute to allow the use of electric motors at not-to-exceed slow-no wake speed. Since the passage of the bill, two petitions have been received/[noticed](#) for Gold Lake and North and South Twin Lakes, which the Board will consider during their January 22nd Board meeting in Salem.
- ⚓ [HB 2351](#) –“The Willamette Greenway Bill” requires the Marine Board to consider Land Use Planning Goal 15 for any new rulemaking or special regulations relating to the operation of boats within the Willamette River Greenway from Cottage Grove Reservoir to the confluence with the Columbia River. The Board considered Goal 15 during their October 24 Board meeting and opened rulemaking for the Newberg Pool and Lower Willamette River from below the falls to the confluence. Rule Advisory Committees have been convened and will consider rules to bring to the Board in the future.

- ‡ [HB 2352](#) –Creates a towed watersports education program within the Marine Board and requires an endorsement for boaters who wakeboard and wake surf on the Willamette River between river miles 30 – 50 (the Newberg Pool). This education requirement applies to the boat operator who must pass an approved towed watersports education course (with a minimum passing score of 70%) and affix a special decal on their boat. The education course will consist of a home study manual (downloadable PDF) and a proctored exam held in various locations near the Newberg Pool, the local sheriff’s office and the Marine Board office in Salem. The cost of the course is \$60 and the boat operator may apply for their towed watersports education card and decal for their boat at that time. The decal is specific to the boat. The boat operator must also report the factory loading weight and other manufacturer data to the Marine Board in the decal application. Course and application materials will be available on the agency’s website and the test available at the Marine Board office in Salem by January 1. The Towed Watersports Education Card and decals are valid for two calendar years and must be renewed. There are no additional testing requirements after first earning the Towed Watersports Education Card.
- ‡ [HB 2835](#) –The bill requires state agencies to post notice before restricting or closing a site on state public lands where the public may access floatable natural waterways. The bill also requires the Oregon Department of Transportation to notify certain agencies of recommendations to fund bridge projects under the draft Statewide Transportation Improvement Program and consider public access sites near proposed bridge projects. The Marine Board will be notified by state agency partners of any construction closures and will post this information on the agency’s [interactive Boat Oregon Map](#), which currently shows all of the developed public access sites in the state. Public boating access facilities are owned and operated by city, county, state and federal entities.

With all of these program updates and fee changes, the agency is working closely with marine law enforcement and other agency partners, rental businesses, and facility managers to implement these new laws as smoothly as possible and to allow time to coordinate education and outreach. The ultimate goal is not to cite people, but to educate and improve safety for all water users, protect our waterways from aquatic invasive species, and understand the impacts of boat operations on shorelines, sensitive habitats, and property. The Marine Board's mission is to "serve Oregon's recreational boating public through education, enforcement, access, and environmental stewardship for a safe and enjoyable experience." These new laws touch on each area of our mission, but ultimately, it's up to each and every boater to display courteous and considerate behavior toward other users, employ practices that protect the environment and recognize the impacts of boat operations on others so everyone can have a fun and safe time on the water.

For more information about your Oregon State Marine Board, visit <http://www.boatoregon.com>.

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*The Marine Board is directly funded by boaters in the form of registration, title, and permit fees, as well as through marine fuel taxes. **No lottery, general fund tax dollars or local facility parking fees** support the agency or its programs. Boater-paid fees support the boating public through boating safety services (on-the-water law enforcement, training, and equipment), boating safety education, grants for the construction and maintenance of boating access facilities, and environmental protection programs. For more information about the Marine Board and its programs, visit www.boatoregon.com.*