

## **Chapter 488**

### **1955 REPLACEMENT PART**

## **Small Watercraft Traffic Regulations**

<b>488.010</b>	<b>Definitions</b>	<b>488.050</b>	<b>Operating boat while drunk or drugged</b>
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<b>488.040</b>	<b>Operation rules as between boats</b>	<b>488.990</b>	<b>Penalties</b>

### **CROSS REFERENCES**

<b>Fishing from boats in certain areas prohibited, 498.250 to 498.300</b>	<b>Injuring buoy or beacon, 783.610</b>
	<b>Shooting fowl from certain boats prohibited, 498.075</b>



**488.010 Definitions.** As used in ORS 488.010 to 488.050:

(1) "Boat" means any boat or watercraft, raft, canoe, skiff, dinghy, rowboat, sailing boat or motor boat not exceeding 26 feet in overall length.

(2) "Motor boat" means a boat not exceeding 26 feet in overall length propelled by any mechanical means other than implements operated by hand.

(3) "Publicly advertised and scheduled" means advertised or announced in a newspaper of general circulation in the county where a race or regatta is to be held, or on signs printed in letters not less than three inches high and posted on all docks along the course of such race or regatta, announcing such race or regatta and stating the time, place and course.

(4) "Dock" means a platform, stationary or floating, for use in entering or leaving boats or for loading or unloading cargo.

**488.020 Applicability of statutes.** ORS 488.010 to 488.050 apply to all boats and other watercraft as defined in ORS 488.010, on the waters within the jurisdiction of this state, except as inconsistent with any laws and regulations of the United States or of this state applicable to ferries or boats used for the carriage of passengers or cargo for hire or other commercial or public purposes.

**488.030 Speed and operation of motor boats; regulations for state parks.** (1) (a) No person shall operate a motor boat at a speed in excess of 25 miles per hour while within 200 feet of a dock or of the shores of any bathing or wading beach or other recreational place where persons are accustomed to assemble, or at a speed in excess of 10 miles per hour while within 100 feet of a dock or such beach or shore.

(b) Every operator of a motor boat shall at all times navigate it in a careful and prudent manner and at such rate of speed as not to endanger the property of another or the life or limb of any person.

(c) Every motor boat approaching or passing any canoe, rowboat, or sailing boat shall, within 100 feet thereof, be slowed to a speed that will not endanger the occupants of the latter vessel.

(2) This section does not apply to a motor boat while actually competing in a publicly advertised and scheduled regatta or boat race.

(3) Boats and motor boats used on the waters within or contiguous to any state park are subject to such further rules and regulations as may be promulgated by the state agency in charge of such park.

**488.040 Operation rules as between boats.** (1) When two boats are approaching each other "head and head" or nearly so, the operator of each boat shall cause it to bear to the right and pass the other boat on its left side.

(2) When boats approach each other obliquely or at right angles, the boat approaching on the right of the other has the right of way.

(3) Boats approaching a dock, pier or wharf have the right of way over all boats leaving the same.

**488.050 Operating boat while drunk or drugged.** No person shall operate a motor boat or boat of any kind while under the influence of intoxicating liquor or any narcotic drug.

**488.060 Motor boats prohibited on certain lakes.** (1) No person shall use motor boats for any purpose on Taylor Lake, Irish Lake, South Twin Lake, North Twin Lake, Three Creek Lake, Devils Lake and Lucky Lake in Deschutes County; or Gold Lake in Lane County.

(2) No person shall use motor boats for any purpose on Clear Lake in Linn County; Todd Lake in Deschutes County; Olallie Lake and Horseshoe Lake in Jefferson County; Frog Lake in Wasco County; Breitenbush Lake in Marion County; Lost Lake in Hood River County; or Timpanagos and Opal Lakes in Douglas County.

**488.070 Speed restrictions for motor boats in certain areas.** (1) No person shall operate a boat with an outboard or inboard motor at a speed in excess of 10 miles per hour during those hours of the day and on those days of the year that it is lawful to fish, on East Lake, Paulina Lake and Elk Lake in Deschutes County; Crescent Lake in Klamath County; Davis Lake in Deschutes and Klamath Counties; Diamond Lake in Douglas County and Squaw Lakes in Jackson County.

(2) No person shall operate a boat with an outboard or inboard motor at a speed in excess of 10 miles per hour in Klamath County on:

(a) That portion of Upper Klamath Lake that lies west of a line beginning at

a point on the north shore of Pelican Bay one-quarter mile east of Crystal Creek and extending due south to the opposite shore of the lake.

(b) Any stream, creek or canal that leads into the portion of Upper Klamath Lake described in paragraph (a) of this subsection, including Crystal Creek, Recreation Creek and Four-mile Creek, also known as Harriman Creek. [Amended by 1953 c.219 §2; subsection (2) enacted as 1955 c.440 §1]

**488.990 Penalties.** (1) Violation of ORS 488.010 to 488.050 is punishable, upon conviction, by a fine of not more than \$250, or by imprisonment in the county jail for not more than 30 days, or both. Justice courts and district courts have concurrent jurisdiction with the circuit court of such violations.

(2) Violation of subsection (1) of ORS 488.060 is punishable, upon conviction, by a fine of not less than \$5 nor more than \$25, or by imprisonment in the county jail for not more than 30 days, or both.

(3) Violation of subsection (2) of ORS 488.060 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail for not more than 90 days.

(4) Violation of subsection (1) of ORS 488.070 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$50.

(5) Violation of subsection (2) of ORS 488.070 is a misdemeanor. [Subsection (5) enacted as 1955 c.440 §2]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
on October 15, 1955.

Sam R. Haley  
Legislative Counsel

#### CHAPTERS 489 AND 490

[Reserved for expansion]