

# Chapter 488

## 1957 REPLACEMENT PART

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**GENERAL PROVISIONS**

**488.010** [Repealed by 1957 c.467 §20]

**488.011 Definitions.** As used in ORS 488.011 to 488.180:

(1) "Boat" means any vessel (including but not limited to rafts, canoes, skiffs, dinghies, rowboats, sailing vessels or motorboats) less than 26 feet in overall length.

(2) "Motorboat" means any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable motors. [1957 c.467 §1]

**488.020** [Repealed by 1957 c.467 §20]

**488.021 Application of ORS 488.011 to 488.180.** ORS 488.011 to 488.180 apply to all boats less than 26 feet in overall length navigating the waters within the jurisdiction of this state, except where inconsistent with any laws or regulations of any higher governing authority, in which case such laws or regulations shall prevail. ORS 488.011 to 488.180 do not apply to vessels 26 feet in overall length or longer. [1957 c.467 §2]

**488.030** [Repealed by 1957 c.467 §20]

**488.031 Life preservers.** All motorboats shall carry at least one U. S. Coast Guard approved life jacket, life preserver, ring buoy or buoyant cushion for each person on board. [1957 c.467 §3]

**488.040** [Repealed by 1957 c.467 §20]

**488.041 Lights.** (1) Every motorboat shall carry the following lights from sunset to sunrise:

(a) A bright, white light aft to show all around the horizon visible for a distance of one-half mile or more.

(b) A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port so fixed as to throw a light from dead ahead to two points abaft the beam on their respective sides, and visible for a distance not less than one-half mile.

(2) Boats not propelled by machinery, when under way, shall carry on board from sunset to sunrise but not fixed to any part of the boat a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of one-half mile or more and shall display such lantern or flashlight in sufficient time to avoid collision with another boat.

(3) Sailboats (including those with outboard motors), propelled by sail and machinery or by sails alone, shall carry a bright white light, preferably aft, to show all around the horizon. In addition, such boats when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. Every white light prescribed by this subsection shall be visible for a distance of one-half mile or more.

(4) Sailboats with inboard engines are subject to the same light requirements as motorboats.

(5) As used in this section, "visible" means visible on a dark night with clear atmosphere. [1957 c.467 §4]

**488.050** [Repealed by 1957 c.467 §20]

**488.051 Muffling devices.** No person shall use a boat propelled in whole or in part by gas, gasoline or naphtha unless the boat is provided with a stock factory muffler, underwater exhaust or other modern devices capable of adequately muffling the sound of the exhaust of the engine. Adequately muffling the sound of the exhaust means that the motor's exhaust at all times is so muffled or suppressed as not to create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine is an adequate muffling device. [1957 c.467 §5]

**488.060** [Renumbered 488.610]

**488.061 Whistles.** Motorboats which are less than 26 feet in overall length but greater than 16 feet in overall length shall be provided with a mouth, hand or power operated whistle capable of producing a blast of two seconds or more duration and audible for at least one-half mile. [1957 c.467 §6]

**488.070** [Amended by 1953 c.219 §2; part enacted as 1955 c.440 §1; 1957 c.126 §1; renumbered 488.620]

**488.071 Carburetors.** Carburetors on all engines of motorboats, other than outboard motors, shall be fitted with a U. S. Coast Guard approved device for arresting backfire. [1957 c.467 §7]

**488.080 Ventilators.** Motorboats using fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and

fuel compartment in order to remove any inflammable or explosive gases. Motorboats so constructed as to have the greater portion of the bilges under the engines and fuel tanks open and exposed to the natural atmosphere at all times are not required to be fitted with such ventilators. [1957 c.467 §8]

**488.090 Fire extinguishers.** All motorboats shall have on board in good condition and fully charged at least one U. S. Coast Guard approved portable fire extinguisher. [1957 c.467 §9]

**488.100 Reckless navigation; speed.** (1) Every operator of a motorboat shall at all times navigate the motorboat in a careful and prudent manner and at such rate of speed as not to endanger the life, limb or property of any person.

(2) Reckless navigation of a motorboat includes operating the motorboat in a manner which unnecessarily interferes with the free and proper use of the navigable waters of the state or unnecessarily endangers other boats therein, or the life and limb of any person.

(3) No person shall operate any motorboat at a rate of speed greater than will permit him in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.

(4) Nothing in ORS 488.011 to 488.180 is intended to prevent the operator of a motorboat actually competing in a race or regatta which is sanctioned by an appropriate government from attempting to attain high speeds on a marked racing course. [1957 c.467 §10]

**488.110 Operation rules as between boats.** (1) When two boats are approaching each other "head on" or nearly so (so as to involve risk of collision), each boat shall 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 side has the right of way.

(3) One boat may overtake another on either side but shall grant right of way to the overtaken boat. [1957 c.467 §11]

**488.120 Traffic lanes.** (1) No person shall so anchor a boat for fishing or other purposes on any body of water over which the state has jurisdiction in such a position

as to obstruct a passageway ordinarily used by other boats.

(2) No person shall operate a boat within a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area. [1957 c.467 §12]

**488.130 Overloading.** No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions. [1957 c.467 §13]

**488.140 Riding on decks and gunwales.** (1) No person operating a motorboat shall allow any person to ride or sit on either the starboard or port gunwales thereof or on the decking over the bow of the boat while under way.

(2) Nothing in this section is intended to prevent passengers or other persons aboard a boat from standing on the decking over the bow of the boat in order to moor the boat to a mooring buoy or to cast off from such a buoy or for any other necessary purpose. [1957 c.467 §14]

**488.150 Mooring to buoys and beacons.** No person shall moor a boat to any of the buoys or beacons placed in any waterway by the authority of the United States or by the authority of a commission or subdivision thereof, nor in any manner hang on with a boat to such buoy or beacon. [1957 c.467 §15]

**488.160 Operating boat while drunk or drugged.** (1) No person under the influence of intoxicating liquor or narcotic drugs or barbital, or who is a habitual user of narcotic drugs or barbital, shall operate, propel or be in actual physical control of any boat.

(2) No owner of a boat or person in charge or in control of a boat shall authorize or knowingly permit the boat to be propelled or operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbital or any person who is a habitual user of narcotic drugs or barbital. [1957 c.467 §16]

**488.170 Accidents.** The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of such accident and shall give his name, address, full identification of his boat and the name and address of the owner,

to the person struck or the operator or occupants of the boat collided with, and shall render to any person injured in such an accident reasonable assistance and shall report such accident to the nearest or most convenient law enforcement agency or office. [1957 c.467 §17]

**488.180 Other laws not affected.** (1) Nothing in ORS 488.011 to 488.170 is intended to affect the provisions of ORS 163.340, 488.060, 488.070 or 783.610 or ORS chapter 487.

(2) The provisions of ORS 488.011 to 488.170 are in addition to and not in lieu of any other statutes. [1957 c.467 §19]

**488.190 to 488.600** [Reserved for expansion]

### REGULATIONS FOR SPECIFIC AREAS

**488.610 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. [Formerly 488.060]

**488.620 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; Magone Lake in Grant County; Crescent Lake in Klamath County; Timothy Lake in Clackamas County; the reservoir behind Pelton Dam in Jef-

erson 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. [Formerly 488.070]

**488.630 to 488.980** [Reserved for expansion]

### PENALTIES

**488.990 Penalties.** (1) Violation of ORS 488.100 is a misdemeanor.

(2) Except as provided in subsection (1) of this section, violation of any provision of ORS 488.011 to 488.180 is punishable, upon conviction, by a fine not exceeding \$100.

(3) Violation of subsection (1) of ORS 488.610 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.

(4) Violation of subsection (2) of ORS 488.610 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.

(5) Violation of subsection (1) of ORS 488.620 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$50.

(6) Violation of subsection (2) of ORS 488.620 is a misdemeanor. [Subsection (6) enacted as 1955 c.440 §2; subsections (1) and (2) enacted as 1957 c.467 §18]

### 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 December 2, 1957.

Sam R. Haley  
Legislative Counsel

### CHAPTERS 489 AND 490 [Reserved for expansion]