Chapter 488

1971 REPLACEMENT PART

Boats and Boating

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GENERAL PROVISIONS

488.005 Definitions. As used in this chapter and ORS 1.510 and 1.520, unless the context otherwise requires:

(1) "Bail" means money or its equivalent deposited by a defendant to secure his appearance for a boating offense.

(2) "Major boating offense" means a violation of any of the following provisions of law or of a city ordinance conforming thereto:

(a) Reckless operation, as defined in ORS 488.100.

(b) Operating, propelling or in actual physical control of a boat while under the influence of intoxicating liquor, barbital or narcotic drugs, as defined in ORS 488.160.

(c) Failure to perform the duties of an operator of a boat involved in an accident or collision, as defined in ORS 488.164.

(3) "Peace officer" includes a member of the Oregon State Police, a sheriff or deputy sheriff and a city policeman.

(4) "State court" means a circuit, district or justice court or magistrate.

(5) "State boating offense" means a violation of any provision of law for which any section of this chapter provides a penalty.

(6) "Boating offense" includes an offense mentioned in subsections (2) and (5) of this section.

[1967 c.620 §2]

488.010 [Repealed by 1957 c.467 §20]

488.011 Definitions for ORS 488.011 to 488.180 and 488.600. (1) "Board" means the State Marine Board.

(2) "Boat" means every description of water craft used or capable of being used as a means of transportation on the water, but does not include aircraft equipped to land on water.

(3) "Length" means the length of a boat measured from end to end over the deck excluding sheer.

(4) "Motorboat" means any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable motors.

(5) "Operate" means to navigate or otherwise use a boat.

(6) "Operator of a boat livery" means any person who is engaged wholly or in part in the business of chartering or renting boats to other persons.

(7) "Waters of this state" means all waters within the territorial limits of this state, the marginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to or from the shore of this state.

(8) "State waters" means those waters entirely within the confines of this state which have not been declared navigable waters of the United States.

(9) "Navigable waters of the United States" means those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more states, or to and from foreign nations.

[1957 c.467 §1; 1959 c.686 §64; 1963 c.355 §2; 1969 c.412 §1]

488.020 [Repealed by 1957 c.467 §20]

488.021 Application of ORS 488.011 to 488.180 and 488.600. (1) Except as provided in subsection (2) of this section, ORS 488.011 to 488.180 and 488.600 apply to all boats operated in the waters of this state, except where inconsistent with any applicable laws or regulations of an agency of the United States, in which case such laws or regulations shall prevail.

(2) ORS 488.011 to 488.180 and 488.600 do not apply to boats described in paragraphs (a) to (d) of subsection (1) of ORS 488.715 except non-commercial vessels described in paragraph (a) of subsection (1) of ORS 488.715.

[1957 c.467 §2; 1959 c.686 §65; 1965 c.539 §1]

488.023 Operating boat in violation of chapter prohibited. No person shall operate a boat in violation of any provision of this chapter.

[1959 c.686 §61]

488.024 Operating improperly equipped boat prohibited. No person shall operate or give permission for another person to operate a boat which is not equipped as required under ORS 488.011 to 488.180 and 488.600.

[1959 c.686 §43]

488.025 Operator of boat livery to provide properly equipped boats. No operator of a boat livery shall permit any boat he rents to depart from the livery premises unless the boat is equipped as provided under ORS 488.011 to 488.180 and 488.600.

[1959 c.686 §56; 1961 c.185 §4]

488.026 Regulations establishing minimum specifications for rented boats; cancellation of certificate of boats not meeting specifications. (1) The board shall provide by regulations minimum specifications of safe design, construction, material and condition of boats rented or chartered to the public. The regulations shall be made in accordance with ORS chapter 183.

(2) After a hearing upon 10 days' notice to the owner of the boat, the board may cancel or revoke the certificate of number for any boat rented or chartered to the public if it does not equal or exceed the minimum specifications provided by the board.
[1959 c.686 §57]

488.027 Peace officers to enforce chapter. The sheriff of each county and all other peace officers shall be responsible for the enforcement of this chapter and any regulations made by the board pursuant thereto. In the exercise of this responsibility, a peace officer may stop any boat and direct it to a suitable pier or anchorage for boarding.
[1959 c.686 §59; 1965 c.539 §2; 1967 c.176 §2; 1967 c.620 §17]

488.028 Contrary local laws prohibited. No political subdivision of this state may enact or enforce any law contrary to the provisions of this chapter.
[1959 c.686 §60]

488.030 [Repealed by 1957 c.467 §20]

488.031 Life preservers. (1) Subject to subsection (2) of this section, each boat shall carry at least one United States Coast Guard approved life jacket, life preserver, ring buoy or buoyant cushion in good and serviceable condition for each person on board.

(2) A boat carrying passengers for hire shall carry life preservers or jackets of a type approved by the United States Coast Guard for passenger carrying boats and, in addition, unless the service is such that children are never carried, there shall be a number of such approved preservers or jackets, suitable for children, equal to at least 10 percent of the total number of persons carried.
[1957 c.467 §3; 1959 c.686 §66; 1967 c.153 §1]

488.040 [Repealed by 1957 c.467 §20]

488.041 Lights. (1) Except as provided by the regulations adopted by subsection (3) of this section, every boat shall carry and show the following lights when underway between sunset and sunrise:

(a) Manually propelled boats, a lantern capable of showing a white light which shall be temporarily displayed in sufficient time to prevent collision.

(b)(A) Motorboats less than 26 feet in length, a white light aft showing all around, visible for at least two miles, and a combination 20 point light in the forepart of the boat, lower than the white light aft, showing green to starboard and red to port, visible for at least one mile.

(B) Motorboats 26 feet or longer, a white light aft showing all around, visible for at least two miles, two separate 10 point sidelights visible for at least one mile and a 20 point white light in the forepart of the boat, lower than the white light aft, visible for at least two miles.

(c) Boats propelled by sail, a white 12 point light aft, visible for at least two miles and two separate 10 point sidelights visible for at least one mile.

(2) As used in this section, "visible" means visible on a dark night with clear atmosphere.

(3) On all waters of the state, every boat shall carry and exhibit the lights required by inland rules for preventing collisions, promulgated by the United States Coast Guard, May 1, 1959 (Part 80, Title 33, Code of Federal Regulations of the United States of America, as amended).
[1957 c.467 §4; 1959 c.686 §66a; 1967 c.153 §3]

488.050 [Repealed by 1957 c.467 §20]

488.051 [1957 c.467 §5; repealed by 1959 c.686 §72]

488.052 Muffling devices. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle or suppress the noise of the exhaust in a reasonable manner. The use of cut-outs or open exhaust stacks is prohibited, except:

(1) On motorboats competing in a regatta, race or trial for speed records authorized as provided in ORS 488.108.

(2) On racing motorboats while the boat or equipment on the boat is being tried or tested in compliance with ORS 488.102.
[1959 c.686 §41; 1967 c.536 §1]

488.060 [Renumbered 488.610]

488.061 Whistles and horns. Each motorboat 16 feet in length and over shall be provided with a whistle or horn as follows:

(1) Sixteen feet or longer, but less than 26 feet—one hand, mouth, or power-operated whistle or horn capable of producing a blast of two seconds or more in duration and audible for at least one-half mile.

(2) Twenty-six feet or longer, but less than 40 feet—one hand or power-operated whistle or horn capable of producing a blast of at least two seconds duration and audible for a distance of one mile.

(3) Forty feet to not more than 65 feet in length—one power-operated whistle or horn, capable of producing a blast of at least two seconds duration and audible for a distance of one mile.

[1957 c.467 §6; 1959 c.686 §67; 1961 c.185 §5; 1969 c.77 §1]

488.065 Bells. In addition to the warning devices required by ORS 488.061, each boat 26 feet and over in length shall be provided with a bell which produces a clear, bell-like tone of full, round characteristics when struck.

[1961 c.185 §2]

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 Ventilation systems. (1) Motorboats using fuel having a flashpoint of 110 degrees Fahrenheit or less shall have ventilating systems that meet standards provided by the board 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.

(2) The board may, in accordance with ORS chapter 183, adopt regulations providing standards for ventilating systems. 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 ventilators.

[1957 c.467 §8; 1967 c.153 §2]

488.090 Fire extinguishers. Every motorboat shall carry on board, fully charged and in good condition, the following U. S. Coast Guard approved hand portable fire extinguishers:

(1) Motorboats with no fixed fire extinguishing system in the machinery space and which are:

(a) Less than 26 feet in length, one extinguisher.

(b) Twenty-six feet or longer, but less than 40 feet, two extinguishers.

(c) Forty feet or longer, three extinguishers.

(2) Motorboats with a fixed fire extinguishing system in the machinery space and which are:

(a) Twenty-six feet or longer, but less than 40 feet, one extinguisher.

(b) Forty feet or longer, two extinguishers.

The extinguishers required by this section are Class B-I extinguishers described in 46 Code of Federal Regulations 25.30, but one Class B-II extinguisher described in that regulation may be substituted for two Class B-I extinguishers.

[1957 c.467 §9; 1959 c.686 §67a]

488.092 Safety devices on boat operated in tidewater. No person shall operate a boat in the waters of this state which rise and fall with the ebb and flow of the tide unless the boat is equipped with safety devices of a type prescribed by regulations of the board made in accordance with ORS chapter 183.

[1959 c.686 §42]

488.094 Additional equipment. The board may require by regulation that all boats or any class of boats shall carry or install additional equipment which in the opinion of the board is necessary for the safety of persons and property. The regulations shall be made in accordance with ORS chapter 183 and, to the extent considered by the board to be consistent with safety of persons and property, shall conform to the regulations promulgated by the United States Coast Guard for inland waters.

[1959 c.686 §63; 1967 c.153 §4]

488.098 Records of operator of boat livery. The operator of a boat livery shall make and preserve for at least six months a written record of:

(1) The name of each person who hires a boat from the livery.

(2) The identifying number of the boat.

(3) The date on which the boat is hired, and the hour of departure from the livery.

(4) The expected date and hour of return.

(5) The date and hour of return.

[1959 c.686 §55]

488.100 Reckless operation; speed. (1) Every operator of a boat shall at all times operate the boat 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 operation of a boat includes operating the boat in a manner which unnecessarily interferes with the free and proper use of the navigable waters of this state or unnecessarily endangers other boats therein, or the life and limb of any person.

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

(4) Nothing in ORS 488.011 to 488.180 and 488.600 is intended to prevent the operator of a boat actually competing in an event which is authorized as provided in ORS 488.108 from attempting to attain high speeds on a marked racing course.
[1957 c.467 §10; 1959 c.686 §68]

488.101 Operator to maintain lookout. The operator of a boat shall keep a proper lookout at all times while underway.
[1961 c.185 §3]

488.102 Testing racing motorboat. (1) No person shall operate a racing motorboat, for the purpose of trying or testing the boat or equipment on the boat, in any areas or during the time when one of the following conditions exist:

(a) Where boats are anchored.

(b) Where people are swimming.

(c) Near populated beaches.

(d) Among water skiers.

(e) Among boats underway.

(f) Where persons or property will be endangered because the area is otherwise congested.

(2) Subject to subsection (1) of this section, motorboats may be operated on public waters without effective muffling devices as required by ORS 488.052, for the purpose of trying or testing the equipment on the boat, in areas and during times designated by the board by regulations adopted under ORS 488 600.

(3) Within any county in which areas and times for trying or testing boats or the equipment on boats have been designated by the board under ORS 488.600, if a person wishes to operate a boat for such a purpose on public waters within the county, outside the designated testing area, he shall apply to the sheriff of the county for a permit to do so. The permit, which may be issued upon application, shall be conditioned upon compliance with subsection (1) of this section, and shall designate the areas where and the times when the boat may be operated for such purpose.
[1959 c.686 §41a; 1967 c.536 §2]

488.108 Authorization required to hold marine event. (1) At least 15 days before holding a regatta, boat race, marine parade, tournament or exhibition on the waters of this state, the person who will be in charge of the event shall apply to the board for authorization to hold the event.

(2) The board shall provide by regulation for the manner of applying for and granting authorization and shall approve all applications for authorization which are consistent with the safety and pleasure of the public.

(3) The board may make rules and regulations restricting the operation of boats necessary to insure safety two hours prior to, during and two hours after the approved event.

(4) No person shall hold a regatta, boat race, marine parade, tournament, trial for speed records or exhibition on the waters of this state, unless the authorization of the board has been secured, except that the board's authorization is not required if authorization or the equivalent has been secured from an appropriate agency of the United States.

(5) An authorization by the board does not exempt a person holding an event from compliance with applicable federal law.
[1959 c.686 §48; 1963 c.355 §3]

488.110 Operation rules as between boats. (1) (a) Except as provided by paragraph (b) of this subsection, 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.

(b) On rivers, or those sections of rivers, which are state waters, boats proceeding downstream shall have the right of way over boats proceeding upstream.

(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; 1969 c.412 §2]

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]

488.124 Reporting lost boat. If any person finds a boat which is lost or adrift he shall report the whereabouts of the boat to the owner or to any peace officer at the earliest possible time.
[1959 c.686 §54]

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 unless the motorboat is provided with adequate guards or railing.

(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, float or dock or to cast off from such a buoy, float or dock or for any other necessary purpose.
[1957 c.467 §14; 1961 c.185 §6]

488.144 Water skiing, surfboarding and similar activities. (1) No person shall ride or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger any person or property.

(2) No person shall operate a boat for the purpose of towing a person on water skis, surfboard or similar device, and no person shall engage in water skiing, surfboarding or similar activity at any time after one hour after sunset and before one hour before sunrise. This subsection does not apply to a person while engaged in a professional exhibition or to a person engaged in an activity authorized under ORS 488.108.

(3) No person shall operate or manipulate any boat, tow rope or other device by which the direction or location of a person on water skis, surfboard or similar device may be affected or controlled in a reckless or negligent manner so as to cause the person on water skis, surfboard or similar device to collide with or strike against any person or object.

(4) No person shall ride or manipulate any water skis, surfboard or similar device while under the influence of intoxicating liquor, narcotic drug, barbiturate or marijuana.

(5) No person shall operate a boat on any waters of this state, towing a person on water skis, aqua-plane, surfboard, saucer, or similar device, unless another person in the boat is continuously observing the person being towed or unless the boat is equipped with a curved, rear view mirror placed so that the operator may continuously observe the person being towed.
[1959 c.686 §§44, 45, 46, 47; 1961 c.185 §7]

488.150 Mooring to buoys and beacons; defacing or destroying navigational markers. (1) No person shall moor a boat to any of the buoys or beacons placed in any waters of this state by the authority of the United States, an agency of the United States or by the board nor in any manner hang on with a boat to such buoy or beacon.

(2) No person shall deface, remove or destroy any buoy, beacon or other navigational marker maintained in the waters of this state.

(3) This section does not apply to any action prohibited by ORS 783.610 regarding a buoy or beacon established or erected by the United States Coast Guard.
[1957 c.467 §15; 1959 c.686 §69; 1967 c.176 §1]

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]

488.164 Duties of operators and witnesses at accidents. (1) The operator of any boat involved in an accident which results in injury or death to any person or causes damage to property immediately shall stop his boat at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until he has fulfilled the requirements of subsection (2) of this section.

(2) The operator of any boat involved in an accident resulting in injury or death to any person or damage to property shall:

(a) Give to the other operator, surviving occupant or any person not injured as a result of the accident, his name, address and the identifying number of the boat which he is operating, and the name and address of any other occupants of the boat.

(b) Render reasonable assistance to any person injured in the accident, including the conveying or the making of arrangements for the conveying of the person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that treatment is necessary or if conveyance is requested by any injured person.

(3) Any witness to the accident shall furnish to the operator, occupant or injured person, his name and address.
[1959 c.686 §49]

488.168 Accident report required. (1) The operator of any boat involved in an accident resulting in injury or death to any person or damage to property shall, within 48 hours, forward a complete written report of such accident to the board.

(2) Whenever a report is insufficient in the opinion of the board, it may require the operator to file a supplemental report and may also require a witness to the accident to render a report to the board.

(3) Whenever the operator of a boat is physically incapable of making a required accident report and there was another occupant in the boat at the time of the accident capable of making a report, the occupant shall make or cause the report to be made. [1959 c.686 §50]

488.170 [1957 c.467 §17; repealed by 1959 c.686 §72]

488.172 Form of report; sending death certificate to State Marine Board. (1) The board shall prepare and make available to the public forms for accident reports required in ORS 488.168. The report shall call for sufficiently detailed information to disclose the cause of an accident, conditions then existing, and the persons and vehicles involved. Every accident report shall be made on a form approved by the board.

(2) The State Health Officer shall on or before the 15th day of each month forward to the board a copy of the death certificate covering the death, resulting from a boat accident, of any persons within his jurisdiction during the preceding calendar month.
[1959 c.686 §51]

488.176 Confidential nature of report. (1) All accident reports made to the board shall be without prejudice to the individual reporting and shall be for the confidential use of administrative and enforcement agencies only.

(2) The board upon written request, shall, if available, disclose the following information to any party involved in the accident, or, in the event of his death, to any member of his family, or his personal representatives:

(a) The identity of the owner, operator, occupants and the identifying number of a boat involved in an accident;

(b) The names of any companies insuring the owner or operator; and

(c) The identity of any witnesses to the accident.

(3) No such report shall be used as evidence in any trial, civil or criminal, arising out of the accident. The board shall furnish, upon demand of any person who has or claims to have made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the board, solely to prove a compliance or a failure to comply with the requirement that such a report be made to the board.

(4) The board shall compile and may analyze all accident reports and shall publish annually, or at more frequent intervals,

statistical information relating to boat accidents.

(5) In response to any request duly made by an authorized official or agency of the United States, or in compliance with any requirement under the Federal Boating Act of 1958, the board shall transmit any information compiled or otherwise available to the board from the accident reports required by ORS 488.168 and 488.172.
[1959 c.686 §§52, 53]

488.178 Liability of owner for negligent operation of boat. (1) The owner of a boat shall be liable for the negligent operation of the boat in the same manner and to the same extent as the owner of a motor vehicle is liable under the rule of law which holds one person liable for the act of another who operates a motor vehicle for a family purpose.

(2) Subsection (1) of this section does not apply in actions in which courts of admiralty have jurisdiction.
[1959 c.686 §58]

488.180 Other laws not affected. (1) Nothing in ORS 488.011 to 488.180 and 488.600 is intended to affect the provisions of ORS 163.340, 488.600 to 488.620, 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820, 488.825 to 488.870 or 783.610.

(2) The provisions of ORS 488.011 to 488.180 and 488.600 are in addition to and not in lieu of any other statutes.
[1957 c.467 §19; 1959 c.686 §70]

BOATING OFFENSE PROCEDURES

488.210 Peace officer authorized to arrest or issue citation for boating offense; private person may commence action. (1) A peace officer may arrest or may issue a citation to a person for a boating offense.

(2) A private person may commence an action for a boating offense as provided by subsection (5) of ORS 488.220.
[1967 c.620 §§3, 5]

488.220 Boating citation requirements. (1) A citation conforming to the requirements of this section shall be used for all boating offenses in this state.

(2) The citation shall consist of at least four parts. Additional parts may be inserted by law enforcement agencies for administrative use. The required parts are:

(a) The complaint.

(b) The abstract of record.

(c) The police record.

(d) The summons.

(3) Each of the parts shall contain the following information or blanks in which such information shall be entered:

(a) The name of the court and the court's docket or file number.

(b) The name of the person cited.

(c) The offense of which the person is charged, the date, time and place at which the offense occurred, the date on which the citation was issued and the name of the complainant.

(d) The time and place at which the person cited is to appear in court.

(e) The bail fixed for the offense.

(4) Each of the parts shall also contain such identifying and additional information as may be necessary or appropriate for law enforcement agencies in the state.

(5) The complaint shall contain a form of certificate by the complainant to the effect that he certifies, under the penalties provided by ORS 488.995, that he has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. The certification if made by a peace officer need not be made before a magistrate or any other person. A private person shall certify before a magistrate, clerk or deputy clerk of the court and this action will be entered in the court record. The reverse side of the complaint shall contain the substance of the matters appearing on the reverse side of the Uniform Traffic Ticket and Complaint promulgated by the American Bar Association, and set forth in the Model Rules Governing Procedure in Traffic Cases, approved by the National Conference of Commissioners on Uniform Laws, July 8-13, 1957. A certificate conforming to this section shall be deemed equivalent of a sworn complaint.

(6) The reverse side of the abstract of court record shall contain such matters and shall be in such form as may be prescribed by the law enforcement agency.

(7) The summons shall also contain a notice to the person cited that the complaint will be filed. The reverse side of the summons shall contain the following:

(a) A form substantially as follows:

READ CAREFULLY

You must appear in court at the time mentioned in this citation if you are charged with any of the following offenses:

1. Reckless operation.
2. Operating, propelling or in actual physical control of a boat while under the influence of intoxicating liquor, barbital or narcotic drug.
3. Failure to report an accident.
4. Attempting to flee or elude a peace officer.

If you are charged with any **OTHER** offense, you **MUST** do **ONE** of the following:

1. Appear in court at the time mentioned in this summons and request a hearing. The court will then set a time for a hearing.
2. Mail to the court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the court you request a hearing.
3. If you don't want a hearing, but wish to explain your side, send your explanation to the court with the summons and a check or money order in the amount of the bail indicated on the other side of this summons. The court will then consider your explanation and may forfeit your bail, or part of it, on the basis of your explanation and what the officer tells the court.
4. Sign the plea of guilty below and send this summons to the court, together with a check or money order in the amount of bail indicated on the other side of this summons.

This summons and the bail must reach the court before the time when this summons requires you to appear in court.

NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above but do not send in any additional sum as bail.

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, THE COURT IS AUTHORIZED TO ISSUE A WARRANT FOR YOUR ARREST.

THE COURT MAY IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

(b) A "Notice" and "Appearance, Plea of Guilty and Waiver" substantially in the form appearing on the reverse side of the summons in the form of Uniform Traffic Ticket and Complaint mentioned in subsection (5) of this section.

(8) The complaint shall be set aside by the court upon the motion of the defendant before plea when it does not conform to the requirements of this section. However, this section does not prohibit the use of a uniform citation for other offenses in addition to boating offenses and containing other language in addition to that specified in this section.
[1967 c.620 §4; 1971 c.388 §2]

Note: The 1971 amendments to ORS 488.220 take effect on July 1, 1972. See 1971 c.388 §4.

488.230 Minimum requirements for summons. A summons in a boating offense is sufficient if it contains the following:

(1) The name of the court, the name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.

(2) A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the offense is alleged to have occurred.

(3) A notice to the person cited that a complaint will be filed with the court based on the offense.

(4) The amount of bail, if any, fixed for the offense.
[1967 c.620 §6]

488.240 Minimum requirements for complaint. A complaint in a boating offense is sufficient if it contains the following:

(1) The name of the court, the name of the state or other public body in whose name the action is brought and the name of the defendant.

(2) A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the offense is alleged to have occurred.

(3) A certificate as provided in subsection (5) of ORS 488.205, signed by the complainant.
[1967 c.620 §7]

488.250 Delivery of summons to person cited; delivery of other parts of citation. An officer issuing the citation shall cause the summons to be delivered to the person cited and shall cause the complaint and abstract of court record to be delivered to the court. When the complaint is certified by a

private person the court shall cause the summons to be delivered to the defendant.
[1967 c.620 §8]

488.260 Appearance by defendant. (1) The defendant shall appear in court at the time mentioned in the summons if the citation is for:

(a) A major boating offense.

(b) Any felony.

(2) In other cases, the defendant shall either appear in court at the time indicated in the summons or, prior to such time, shall deliver to the court the summons, together with check or money order in the amount of the bail set forth in the summons, and inclosing therewith:

(a) A request for a hearing; or

(b) A statement of matters in explanation or mitigation of the offense charged; or

(c) The executed appearance, waiver of hearing and plea of guilty appearing on the summons.
[1967 c.620 §9]

488.270 Effect of statement in explanation or mitigation. If a defendant has submitted to the court a written statement as provided in paragraph (b) of subsection (2) of ORS 488.260, it constitutes a waiver of hearing and consent to judgment by the court declaring a forfeiture of bail on the basis of such statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the court.
[1967 c.620 §10]

488.280 Fixing hearing date; notice to defendant. If the defendant requests a hearing, or if pursuant to ORS 488.290 the court directs that a hearing be had, the court shall fix a date and time for the hearing and, unless notice is waived, shall at least five days in advance of the hearing mail to the defendant notice of the date and time so fixed.
[1967 c.620 §11]

488.290 Hearing discretionary with court; exceptions. (1) In any case the court may direct that a hearing be held. Otherwise, the court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine.

(2) No sentence to jail may be imposed, nor any fine imposed in excess of the bail deposited by the defendant, unless a hearing is held.
[1967 c.620 §12]

488.300 Warrant for arrest. (1) If a person cited fails to comply with the provisions of ORS 488.260, or if he fails to appear at any time fixed by the court, a warrant for his arrest may be issued. A warrant issued by a circuit, district or justice court may be served, without further indorsement, in any county in this state.

(2) No warrant of arrest may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail or other security given by the arrested person. Unless a warrant has been issued before the expiration of that period the order of forfeiture shall be deemed the final disposition of the case.
[1967 c.620 §13]

REGULATIONS FOR SPECIFIC AREAS

488.600 Special regulations of State Marine Board for political subdivisions and State Game Commission. (1) After a hearing upon notice, the board, upon consideration of the size of a body of water and traffic conditions, may make special regulations consistent with the safety and the property rights of the public or when traffic conditions become such as to create excessive congestion, relating to the operation of boats in any waters within the territorial limits of any political subdivision of this state. Hearings shall be conducted in accordance with ORS 183.310 to 183.500. The regulations may include, but need not be limited to, the establishment of designated speeds, the prohibition of the use of motorboats and the designation of areas and times for testing racing motorboats. However, designated speeds set by the board shall not apply to commercial vessels documented by an agency of the United States.

(2) The governing body of a political subdivision of this state may apply to the board for special regulations relating to the designation of moorage areas on lakes or reservoirs which are under the jurisdiction of a public agency, or to the operation of boats on the waters within the territorial limits of the political subdivision. Within a reasonable time, the board shall act upon the application in the manner provided in subsection (1) of this section. When special regulations have been established within a political subdivision in accordance with this subsection, the governing body

shall establish and maintain the navigational markers prescribed by the board.

(3) After a hearing, upon notice, the board may make special regulations relating to the operation of boats, including the establishment of designated speeds and prohibition of the use of motorboats for the protection of game and game fish at the request of the State Game Commission, or for carrying out the provisions of the federal Wild and Scenic Rivers Act, Public Law 90-542, and the Oregon Scenic Waterways Act, ORS 390.805 to 390.925. Action necessary to implement this section, including but not limited to the operation and manner of operation of boats, shall be by a permit system initiated by the board.

(4) In addition to the requirements of ORS 183.310 to 183.500, the notice required by subsection (1) of this section shall be published in at least two issues of a newspaper of general circulation in the political subdivision. The second publication shall be not less than one week before the hearing.

(5) Any speeds in excess of the speeds designated by the board, as provided in this section, shall be prima facie evidence of the violation of ORS 488.100.

[1959 c.686 §62; 1961 c.292 §1; 1965 c.539 §3; 1967 c.536 §3; 1969 c.412 §3; 1971 c.734 §§75, 75a]

488.610 Use of motors prohibited on certain lakes. No person, other than the Department of State Police and governmental agencies of this state and the Federal Government having jurisdiction over the following described waters, shall use a motor for propelling a boat or for any purpose on the following named waters of this state located in the counties named:

Counties	Lakes, Reservoirs and Rivers
Clackamas	Trillium Lake
Deschutes	Charlton, Devils, Irish, Lucky, North and South Twin, Taylor, Three Creek and Todd Lakes
Douglas	Opal and Timpanagos Lakes
Hood River	Lost Lake
Jefferson	Horseshoe, Dark and Olallie Lakes, and on that portion of the Deschutes River between Pelton Dam and the Wasco County line
Lane	Gold Lake
Linn	Clear Lake
Marion	Breitenbush Lake
Wasco	Frog Lake, and on that portion of the Deschutes River bordering the Warm Springs Indian Reservation

[Formerly 488.060; 1961 c.420 §1; 1967 c.547 §1; 1969 c.162 §1; 1971 c.537 §1]

488.620 Speed restrictions 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; Timothy Lake in Clackamas 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 on the following named waters of this state located in the counties named:

Counties	Lakes and Reservoirs
Clackamas	Clear Lake and on that portion of the waters of the reservoir known as North Fork Reservoir which lies upstream from a line drawn across the reservoir at right angles to the thread of the stream at a point 2.3 miles upstream from the North Fork Dam measured along the thread of the stream
Deschutes	Hosmer, Lava, Little Cultus, Little Lava, Sparks Lakes and Crane Prairie Reservoir
Jefferson	On that portion of the waters behind Pelton Dam, known as Lake Simtustus, which lies upstream from a line drawn across the lake at right angles to the thread of the stream at a point .85 miles upstream from the Pelton Dam measured along the thread of the stream
Klamath	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; any stream,

Counties	Lakes and Reservoirs
Klamath—(Cont'd)	
	creek or canal that leads into the portion of Upper Klamath Lake described above including Crystal Creek, Recreation Creek and Four-Mile Creek, also known as Harriman Creek
Lane	Waldo Lake
Linn	Smith and Trailbridge Reservoirs

[Formerly 488.070; 1959 c.148 §1; 1961 c.420 §2; 1967 c.547 §2; 1969 c.134 §1; 1971 c.143 §1]

488.625 Temporary suspension of speed restrictions. The governing body of a political subdivision of this state may apply to the board for a temporary suspension of a speed restriction on a specific body of water within the territorial limits of the political subdivision and, after a hearing upon notice, the board may suspend the restriction, such suspension not to exceed 72 hours.
[1967 c.547 §3]

488.630 Capacity plates required; exemptions. (1) Every vessel less than 26 feet in length designed to carry two or more persons, and to be propelled by machinery as its principal source of power shall, if built or offered for sale in this state, have affixed permanently thereto by the builder a capacity plate as required by ORS 488.630, 488.635 and 488.640. As used in ORS 488.630, 488.635 and 488.640 "builder" means a person who constructs or assembles one or more vessels per year or modifies any vessel carrying a plate in such a manner as to change its weight capacity.

(2) This section applies only to boats manufactured or imported and offered for sale after January 1, 1968.

(3) The board may exempt any boat from the requirements of this section if the board finds compliance would not materially contribute to the safe operation of the boat.
[1967 c.467 §2]

488.635 Information required on capacity plates; form and specifications for plates prescribed by board. (1) A capacity plate, required by ORS 488.630, shall bear the required information permanently marked thereon in such manner as to be clearly visible and legible from the position designed for, or normally intended to be occupied by, the operator of the boat when under way. A capacity plate shall bear the following information:

(a) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:

(A) The total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(B) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.

(C) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and its associated equipment is considered to be part of total weight capacity.

(D) The maximum horsepower of the motor the vessel is designed or intended to accommodate.

(b) For all other vessels to which ORS 488.630, 488.635 and 488.640 applies:

(A) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(B) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.

(C) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

(2) The information relating to maximum capacity required to appear on capacity plates shall be determined in accordance with such methods and formulas as shall be prescribed by the board. In prescribing such methods and formulas, the board shall be guided by and give due regard to the necessity of uniformity in methods and formulas lawful for use in determining small boat capacity in other states and to any methods and formulas which may be recognized or recommended by the United States Coast Guard, or any agency successor thereto.

(3) The form and specifications for such plates shall be as prescribed by the board.
[1967 c.467 §3]

488.640 Sale of boat without capacity plate prohibited. No person shall sell or offer for sale a boat required to have a capacity plate under the provisions of ORS 488.630, 488.635 and 488.640 unless the proper plate is attached.
[1967 c.467 §4(1)]

ABANDONED BOATS

488.650 When boat considered abandoned; notice to owner. (1) Any boat left on the waters of this state, except at an established moorage, for a period in excess of three months shall be considered abandoned. If a sheriff finds a boat which appears to have been abandoned, he shall proceed as provided in subsection (2) of this section. If any other peace officer finds such a boat, he shall notify the sheriff of the county in which the boat was found of the place where the boat was located and of any available information as to the ownership of the boat.

(2) Upon being notified of, or upon finding, a boat which appears to have been abandoned, the sheriff shall make reasonable efforts to ascertain the names and addresses of the owners, security interest holders or persons entitled to possession of the boat. If the names and addresses of such persons, or any of them, can be ascertained, the sheriff shall notify each of them to appear and claim the boat by presentation of satisfactory proof of ownership or right of possession, or the boat will be taken into custody and sold or otherwise disposed of as provided by ORS 488.665. If the boat has an identifying number, notice is considered given when a registered or certified letter addressed to the owner of the boat, and a similar letter addressed to the security interest holder, if any, at the respective latest address of each as shown by the records of the State Marine Board, return receipt requested and postage prepaid thereon, is mailed at least 30 days before the boat is sold or otherwise disposed of as provided by ORS 488.665.
[1967 c.128 §2]

488.655 Taking abandoned boat into custody. If the owner, security interest holder or person entitled to possession does not claim the boat within 30 days after the date notice is mailed as provided by ORS 488.650, the boat shall be taken into custody by the sheriff and held at the expense of the owner, security interest holder or person entitled to possession of the boat. The sheriff may utilize his own personnel, equipment and facilities for the removal and preservation of such boat, or may hire other personnel, equipment and facilities for that purpose.
[1967 c.128 §3]

488.660 Owner reclaiming boat. The owner, security interest holder or person entitled to possession of a boat taken into custody and held by the sheriff under ORS 488.655, may reclaim the boat at any time after it is taken into custody and before it is sold or disposed of under ORS 488.665, upon presentation to the sheriff of satisfactory proof of ownership or right to possession and upon payment of the costs and expenses incurred in the removal, preservation and custody of the boat. However, the owner, security interest holder or person entitled to possession of the boat shall not be liable for nor required to pay storage charges for a period in excess of 90 days.
[1967 c.128 §4]

488.665 Sale of boat if not reclaimed; other disposition; right of former owner to boat. If a boat is not reclaimed under ORS 488.660 within 90 days after it is taken into custody, the sheriff of the county in which the boat was located at the time it was taken into custody under ORS 488.655 shall sell the boat at public auction in the manner provided in ORS 23.450 to 23.480. If a bid for the boat is not offered at the public auction, the sheriff may destroy or otherwise dispose of the boat. After any boat has been sold or otherwise disposed of under this section, the former owner, security interest holder or person entitled to possession has no further right, title, claim or interest in or to the boat itself.
[1967 c.128 §5]

488.670 Certificate of sale; issuance of certificate of number for boat. When any boat is sold under ORS 488.665, the sheriff, at the time the purchase price is paid, shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the sheriff. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the boat and a stipulation that no warranty is made as to the condition or title of the boat. The purchaser, upon presentation of the certificate of sale to the State Marine Board and payment of the fees required by law, is entitled

to be issued a certificate of number for the boat.
[1967 c.128 §6]

488.675 Transmitting return of sale and balance of proceeds. (1) When a boat is sold under ORS 488.665, the sheriff selling the boat shall transmit to the State Marine Board and to the county treasurer a return of sale setting forth a description of the boat, the purchase price, the name and address of the purchaser, the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the boat.

(2) The sheriff shall transmit to the county treasurer, with the return of sale, the balance of the proceeds of the sale after deducting the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the boat. Upon receipt of the return of sale and such proceeds, the county treasurer shall deposit such proceeds in the general fund of the county and file the return of sale in his office.
[1967 c.128 §7]

488.680 Claim by former owner to balance of proceeds. At any time within one year after the sale of a boat under ORS 488.665, the former owner of the boat may recover the proceeds transmitted by the sheriff to the county treasurer under ORS 488.675 by filing a claim with the county treasurer. The claim shall be audited and paid as are other claims against the county.
[1967 c.128 §8]

NUMBERING, TITLES AND LICENSES

488.705 Definitions for ORS 488.705 to 488.870. As used in ORS 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820 and 488.825 to 488.870, unless the context requires otherwise:

(1) "Board" means the State Marine Board.

(2) "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.

(3) "Dealer" means a person who engages wholly or in part in the business of buying, selling or exchanging boats, either outright or on conditional sale, bailment lease, chattel mortgage or otherwise.

(4) "Length" means the length of a boat measured from end to end over the deck excluding sheer.

(5) "Operate" means to navigate or otherwise use a boat on water.

(6) "Owner" means a person or persons who have a property interest other than a security interest in a boat and the right of use or possession of the boat, but does not include a lessee.

(7) "Ownership" means a property interest other than a security interest.

(8) "Security interest" means an interest reserved or created by agreement which secures payment or performance of an obligation as more particularly defined by subsection (37) of ORS 71.2010.

(9) "Waters of this state" means all waters within the territorial limits of this state, the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state.
[1959 c.686 §1; 1963 c.355 §4; 1965 c.477 §1]

488.710 Policy. It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of boats and to promote uniformity of laws relating thereto.
[1959 c.686 §2]

488.715 Application of ORS 488.715 to 488.760. (1) ORS 488.715 to 488.730 and 488.735 to 488.760 do not apply to:

(a) A boat which has a valid marine document issued by the Bureau of Customs of the United States or any federal agency which succeeds to the duty of issuing marine documents.

(b) Foreign boats operated only temporarily in the waters of this state.

(c) A boat owned and operated by the United States or a state or by an entity or political subdivision of the United States or a state.

(d) A ship's lifeboat used solely for lifesaving purposes.

(e) A boat belonging to a class of boats which has been exempted from the provisions of ORS 488.715 to 488.730 and 488.735 to 488.760 by the board as provided in subsection (9) of ORS 488.830.

(f) A boat already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state; provided that such boat shall

not have been within this state for a period in excess of 90 consecutive days.

(2) ORS 488.715 to 488.730 and 488.735 to 488.760 do apply to all boats other than boats described in subsection (1) of this section which are propelled by machinery, whether or not the machinery is the principal source of propulsion, and sailboats which are 12 feet or more in length.

[1959 c.686 §3; 1961 c.185 §8; 1963 c.355 §5; 1971 c.631 §1]

488.720 Certificate of number required. No person shall operate a boat on the waters of this state unless:

(1) The owner of the boat holds a valid, effective certificate of number issued in his name as owner:

(a) By this state, as provided in ORS 488.705 to 488.870; or

(b) By an agency of the Federal Government; or

(c) By another state which issued the certificate of number under a federally approved numbering system.

(2) The certificate of number is carried on the boat.

[1959 c.686 §4]

488.725 Identifying number on bow of boat. No person shall operate a boat on the waters of this state unless:

(1) There is painted on or attached to each side of the bow of the boat a valid, effective identifying number awarded to the boat:

(a) By this state; or

(b) By an agency of the Federal Government; or

(c) Subject to the provisions of ORS 488.755, by another state which awards identifying numbers under a federally approved numbering system.

(2) The identifying number described in subsection (1) of this section is painted or attached on each side of the forward half of the vessel in such position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than three inches in height. The numbers shall be of a color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark letters on a light background, or light letters on a dark background.

(3) No number other than the identifying number described in subsection (1) of this section appears on the bow of the boat.

(4) No person or dealer shall sell or display for sale a boat previously numbered by this state, by an agency of the Federal Government, or by another state which issued a certificate of number under a federally approved numbering system unless the identifying number appears on each side of the bow.

[1959 c.686 §5; 1961 c.185 §9; 1965 c.539 §4]

488.730 Application for number. Subject to the provisions of ORS 488.760, the owner of a boat which is operated principally on the waters of this state shall apply to the board for an identifying number. The application shall include the true name of the owner, the residence or business address of the owner, a description of the boat and any other information required by the board. The application shall be signed by the owner and shall be accompanied by the prescribed fee.

[1959 c.686 §6; 1963 c.355 §6; 1965 c.477 §2]

488.732 Certificate fee. (1) The fee for the original or renewal certificate of number or registration shall be for:

(a) Motorboats less than 12 feet in length, $3.

(b) Motorboats and sailboats 12 feet in length or more but less than 16 feet, $6.

(c) Motorboats and sailboats 16 feet in length or more but less than 20 feet, $8.

(d) Motorboats and sailboats 20 feet or more in length, $8, plus $1 for each foot or part of a foot in excess of 20 feet in length.

(e) Boats that are assessed by the Department of Revenue under ORS 308.505 to 308.660, $2.

(f) Amphibious vehicles that are licensed by the Motor Vehicles Division of the Department of Transportation, $2.

(g) 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, no fee required.

(2) Except for the licenses referred to in paragraph (e) of subsection (1) of this section and except as provided in subsection (3) of this section, the fees provided by this section are in lieu of any other tax or license fee.

(3) Old and new boats not numbered under ORS 488.730 or 488.760 on January 1 of

any year, which are being held in stock by the owner or dealer for sale or exchange, shall be reported to the county assessor and listed for ad valorem taxation, but the assessor shall cancel such listing with respect to all such boats upon being furnished documentary proof, not later than the date specified in subsection (4) of ORS 308.250, that the boats so assessed have been issued a certificate of number or registration in this state and the certificate of number or registration fees have been paid thereon not later than March 31 of the same year.

(4) The operator of a boat livery holding five or more boats ready for hire may pay an annual certificate of number fee of $20 plus $2 for each boat instead of the fee otherwise provided in this section.
[1963 c.355 §§9, 11; 1965 c.86 §2; 1965 c.431 §2; 1967 c.536 §4; 1971 c.475 §1]

488.735 Issuance of certificate of number and annual stickers; stickers placed on boats. (1) Subject to the provisions of ORS 488.740, if the application is in order, the board shall issue to the owner a certificate of number which shall state the identifying number awarded to the boat, the name and address of the owner, the description of the boat, the issue date and the expiration date of the certificate of number. The certificate of number shall be pocket size.

(2) The board shall issue a set of annual stickers bearing the year for which the certificate of number is issued. The stickers shall be placed three inches to the aft of the identifying number placed on the boat as required by ORS 488.725.
[1959 c.686 §7; 1969 c.366 §1]

488.740 Expiration of certificate of number; renewal of certificate and stickers. (1) A certificate of number expires on December 31 of the year for which it is issued.

(2) The board may require the surrender of the expired certificate of number before issuing a new certificate of number.

(3) The identifying number awarded to a boat by the board shall remain the same.

(4) An application for renewal of a certificate of number shall be made in the same manner as provided in ORS 488.730. The application shall be accompanied by the prescribed fee. The board shall renew certificates of number and issue annual stickers in the same manner as provided in ORS 488.735.
[1959 c.686 §§8, 9; 1963 c.355 §7; 1969 c.366 §2]

488.750 Report of transfer, abandonment or destruction of boat or change of address of owner. (1) Within a reasonable time after the transfer of all or any part of his interest in a boat, or the abandonment or destruction of a boat, for which a valid identifying number has been awarded by this state, the owner shall notify the board of the transfer of interest, destruction or abandonment.

(2) Within a reasonable time after any change in his address, the owner of a boat for which a valid identifying number has been awarded by this state shall report the change to the board.
[1959 c.686 §9a]

488.755 Application by owner having number awarded by Federal Government or another state. The owner of any boat covered by a number in full force and effect which has been issued to it pursuant to the then operative federal law or a federally approved numbering system of another state, shall make application within 10 days after the 90-day reciprocity period provided in paragraph (f) of subsection (1) of ORS 488.715. Such application shall be in a manner pursuant to the procedure required for the issuance of a number in ORS 488.730.
[1959 c.686 §10; 1961 c.185 §10]

488.760 Dealer's number. (1) A dealer may apply to the board for one or more identifying numbers. A dealer's number shall be displayed on a boat while the boat is operated for a purpose related to the buying, selling or exchanging of the boat by the dealer.

(2) The application for a dealer's number shall include the name of the dealer and the business address of the dealer. Any number of identifying numbers may be requested in the same application.

(3) An application for dealer's numbers shall be accompanied by the following fees:

(a) For the first number applied for, $10.

(b) For each additional number applied for in any application, $2.

(4) The board shall issue a certificate of number for each identifying number awarded to a dealer in the same manner as provided in ORS 488.735, except that no boat shall be described in the certificate and each certificate shall state that the identifying number has been awarded to a dealer. A dealer's certificate of number expires on December 31 of the year for which it is issued.

(5) The provisions of subsections (2) and (4) of ORS 488.740 apply to dealers' certificate of number.

(6) A dealer's identifying number shall be displayed in the same manner as provided in subsection (2) of ORS 488.725, except that the number may be temporarily attached, and except that immediately below the number, in characters as large as the numbers, the word "dealer" shall be displayed.

(7) No person other than a dealer or a representative of a dealer shall display or use a dealer's identifying number.

(8) No dealer or representative of a dealer shall use a dealer's identifying number for any purpose other than the purpose described in subsection (1) of this section.
[1959 c.686 §§11, 12, 13, 14; 1963 c.355 §12; 1971 c.475 §2]

488.762 Certificate of title. (1) Except in the case of amphibious vehicles which have a valid title issued by the Motor Vehicles Division of the Department of Transportation, no person shall operate a boat for which an identifying number other than a dealer's number is required under ORS 488.715 to 488.760, unless the owner has secured from the board a certificate of title for the boat.

(2) A certificate of title is prima facie evidence of the ownership of a boat or a security interest therein. A certificate of title is good for the life of the boat so long as the certificate is owned or held by the legal holder of the certificate.

(3) In accordance with ORS chapter 183, the board shall make regulations necessary to carry out the provisions of subsections (1) and (2) of this section.

(4) The board shall charge a fee of $2 for issuing each certificate of title.
[Formerly 488.770]

488.764 Applicability of ORS 488.730 and 488.762 to 488.774 and Uniform Commercial Code to security interests. (1) The provisions of ORS 488.730 and 488.762 to 488.774 that require application for and notation on certificates of title of the interests of security interest holders do not apply to the holders of security interests in boats constituting inventory held for sale and the provisions of the Uniform Commercial Code shall control the perfecting of security interests in boats constituting inventory and the rights of all persons in boats.

(2) The provisions of ORS 488.730 and 488.762 to 488.774 that require the application for and notation on certificates of title of security interests in boats constitute the exclusive means of perfecting security interests in boats and when the security interest has been so noted, it shall constitute perfection of the security interest and the rights of all persons in the boat are governed by the provisions of the Uniform Commercial Code.
[1965 c.477 §§6, 7]

488.766 Notation on title of creation, satisfaction or assignment of security interest; fees. (1) In the event of the creation of a security interest in a boat for which a certificate of title has been issued, the owner shall sign in an application space provided on the back and deliver the certificate of title to the person in whom the security interest was created, who shall, within 10 days thereof, present the certificate to the board, with his name shown thereon. In the event a prior security interest holder is in possession of the certificate of title, the owner shall sign and may arrange for direct delivery by the prior security interest holder to the board. The board shall, upon payment of a fee of $2, issue a new certificate of title, note the change upon the records in order of priority and mail the certificate to the security interest holder first named on the certificate.

(2) Upon satisfaction of a security interest in a boat for which a certificate of title has been issued, the security interest holder affected, if he is in possession of the certificate of title, shall sign a release on the certificate of title and deliver it to the security interest holder next named, if any, or if none, to the owner. In the event the security interest holder affected is not in possession of the certificate of title, he shall execute a release of his interest to the person entitled thereto who shall promptly deliver it to the holder of the certificate of title. Within 10 days after the delivery of the certificate of title or release, the holder shall present the certificate of title and release, if any, to the board. Upon the payment of a fee of $2, the board thereupon shall note the change upon its records and issue a new certificate of title to the first security interest holder then named, if any, otherwise to the owner.

(3) A security interest holder may without the consent of the owner assign his interest in a boat to a person other than the owner without affecting the interest of the owner or the validity or priority of the interest but a person without notice of the assignment is protected in dealing with the security interest holder until the assignee is

named as security interest holder on the certificate. The assignee may have the certificate of title issued with the assignee named as security interest holder upon delivery to the department of the certificate with the signature of the assignor releasing his interest together with a fee of $2.
[1965 c.477 §5]

488.768 Transfer of title subject to security interest; dealer transferees; fee. (1) If an owner transfers his interest in a boat for which an Oregon certificate of title has been issued, other than by the creation of a security interest as provided by ORS 488.766, he shall, with the signed consent of the security interest holder shown on the face of the certificate of title, indorse on the back of the certificate an assignment thereof, with warranty of title in a form printed thereon and a statement of all unsatisfied security interests shown on the face of the certificate. Except as provided in subsection (2) of this section, the transferee shall sign the certificate in an application space provided thereon, and shall indicate any new security interests in order of priority. The transferee or holder of the certificate shall, within 10 days after the transfer, present the certificate to the board, accompanied by a fee of $2, whereupon a new certificate of number shall be issued and delivered to the transferee and a new certificate of title shall be issued to the transferee, and delivered to the first security interest holder in order of priority, if any, or if none, to the transferee.

(2) If the transferee is a dealer who purchases the boat for resale, the transferor shall merely indorse the certificate of title, and the dealer shall not be required to present the certificate of title to the board until he transfers the boat. However, the dealer shall notify immediately the board that the boat has been transferred to him. Upon the transfer of the boat by the dealer, he shall deliver to the transferee the assigned certificate of title received by him. The transferee, unless he is a dealer purchasing the boat for resale, shall sign the certificate and complete it in the manner provided in subsection (1) of this section, whereupon the board shall issue and deliver a new certificate of number and a new certificate of title in the manner provided in subsection (1) of this section.
[1965 c.477 §4]

488.770 [1959 c.686 §§15, 16, 17; 1961 c.185 §11; 1963 c.355 §15; 1965 c.477 §3; renumbered 488.762]

488.772 Transfer by operation of law of title subject to security interest; fee. (1) In the event of the transfer by operation of law of the interest of an owner or security interest holder in a boat for which an Oregon certificate of title has been issued, the certificate of title, if available, shall be signed upon the reverse side by the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose interest is so transferred in lieu of the person. The representative or successor shall file with the board a notice of any transfer of the boat by him, together with evidence satisfactory to the board of all facts entitling the representative or successor to make the transfer. Upon the receipt of satisfactory evidence of the facts, and a fee of $2, the board shall issue a new certificate of title and a certificate of number. If a boat is repossessed, satisfactory evidence must be presented to the board that the security interest holder has given at least 10 days' notice to the owner of the boat, by registered mail at his last-known post-office address of his intention to apply for a certificate of title.

(2) As used in subsection (1) of this section, a transfer by operation of law includes inheritance, devise, bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performance of the terms of a security agreement, or any transfers effected other than by the voluntary act of the person whose interest is transferred.
[1965 c.477 §8]

488.774 Cancellation of title on scrapping of boat. (1) An owner who scraps, dismantles or destroys a boat and a person who purchases a boat as scrap or to be dismantled or destroyed shall immediately cause the certificate of title to be mailed or delivered to the board for cancellation.

(2) Upon the destruction of the certificate of title record of any boat the board shall maintain a file disclosing the last owner and security interest holders, if any, of the boat as shown by the destroyed certificate of title record.
[1965 c.477 §9]

488.775 [1963 c.355 §14; renumbered 488.778]

488.778 Hull serial number required. No person shall operate a boat on the waters of this state for which the board has issued a certificate of boat title unless such boat has a hull serial number. Hull serial numbers

shall be clearly imprinted in the stern transom or on the hull by stamping, impressing or marking with pressure. In lieu of imprinting, the serial number may be displayed on a plate in a permanent manner. If the serial number is displayed in a location other than the stern transom, the State Marine Board must be notified by the manufacturer as to such location. No person, firm, association or corporation shall destroy, remove, alter, cover or deface the manufacturer's serial number, or plate bearing such serial number, on any vessel as defined herein.
[Formerly 488.775]

488.780 Refusal to issue or cancellation of certificate of number or title. (1) If the board determines at any time that an applicant for a certificate of title or a certificate of number has given a false statement or false information in applying for the certificate or otherwise failed to comply with the applicable provisions under ORS 488.705 to 488.870 pertaining to application for certificates, it may refuse to issue the certificate.

(2) If the board determines at any time that an owner or dealer named in a certificate of title or certificate of number gave a false statement or false information in applying for the certificate or otherwise failed to comply with the applicable provisions under ORS 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820, and 488.825 to 488.870 pertaining to applications for certificates, it may cancel the certificate, after a hearing upon 10 days' notice.
[1959 c.686 §18]

488.790 [1959 c.686 §§19, 20, 21; 1961 c.382 §1; repealed by 1963 c.355 §19]

488.805 Duplicate certificates of number, certificates of title or annual stickers; fee. The board may issue a duplicate certificate of number or title or a duplicate set of annual stickers upon application by the person entitled to hold a certificate or to be in possession of the annual stickers if the board is satisfied that the original certificate or annual stickers have been lost, destroyed or mutilated. The board shall charge a fee of $1 for issuing a duplicate certificate or a duplicate set of annual stickers.
[1959 c.686 §22; 1963 c.355 §16; 1969 c.366 §3]

488.810 Record of certificates and numbers; fees for furnishing information. The board shall keep a current record of outstanding certificates of title, certificates of number and recorded numbers, which shall be a public record open to inspection by the public during reasonable office hours. However, the board may charge a reasonable fee for furnishing information concerning a boat or its owner.
[1959 c.686 §23; 1961 c.185 §12; 1963 c.355 §17]

488.815 Distribution of lists of owners. The board may publish and distribute to the sheriff and county clerk of each county, the U. S. Coast Guard, Department of State Police and other interested agencies current lists of the names and addresses of boat owners to whom valid, effective identifying numbers have been issued. The lists, if published, shall be arranged both alphabetically by the name of the owner and numerically by the identifying numbers.
[1959 c.686 §25]

488.820 False information prohibited. No person shall give any false statement or information or assist another to give any false statement or information in any application, notice, statement or report to the board.
[1959 c.686 §24]

488.823 Operation of certain boats without certificates of registration. (1) Notwithstanding the provisions of ORS 488.715 to 488.760, no person shall operate a boat which is not used for commercial purposes and has a valid marine document issued by the Bureau of Customs of the United States or any federal agency which succeeds to the duty of issuing marine documents unless:

(a) The owner holds a certificate of registration issued in his name as owner.

(b) The certificate is carried on the boat.

(c) A decal awarded to the boat is conspicuously displayed.

(2) The board shall issue a certificate of registration and a decal that recites its issuance by the board as prescribed by subsections (1) to (3) of ORS 488.732.
[1963 c.355 §13; 1971 c.475 §3]

STATE MARINE BOARD

488.825 State Marine Board. (1) There hereby is created the State Marine Board consisting of five members to be appointed by the Governor and to serve at the pleasure of the Governor.

(2) Each member shall be a resident of this state, a citizen of the United States, and at the time of his appointment shall have resided in this state for at least one year.
[1959 c.686 §27]

488.830 Powers and duties of board. In addition to the powers and duties otherwise provided in this chapter, the board shall have the power and duty to:

(1) Make all rules and regulations necessary to carry out the provisions of this chapter. The rules and regulations shall be made in accordance with ORS chapter 183.

(2) Devise a system of identifying numbers for boats. If an agency of the Federal Government has an overall system of identification numbering for boats within the United States, the system devised by the board shall conform with the federal system.

(3) Cooperate with state and federal agencies to promote uniformity of the laws relating to boating and their enforcement.

(4) Make contracts necessary to carry out the provisions of ORS 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820 and 488.825 to 488.870.

(5) Advise and assist county sheriffs and other peace officers in the enforcement of laws relating to boating.

(6) Study, plan and recommend the development of boating facilities throughout the state which will promote the safety and pleasure of the public through boating.

(7) Publicize the advantage of safe boating.

(8) Accept gifts and grants of property and money to be used to further the purposes of this chapter.

(9) Exempt from any provisions of this chapter any class of boats if it determines that the safety of persons and property will not be materially promoted by the applicability of those provisions to the class of boats, but the board shall not exempt from numbering any class of boats unless it determines that the numbering will not materially aid in their identification and unless the secretary of the department of the Federal Government under which the United States Coast Guard is operating has exempted from numbering the same boats or classes of boats.

(10) Appoint and require the bonding of agents to issue certificates of number or title. The agents may charge, in addition to the prescribed fees, 50 cents for their services in issuing a certificate of number, a certificate of title, or both.

(11) Publish and distribute to the interested public the boating laws of this state and resumes or explanations of those laws.

(12) Publish and distribute forms for any application required under this chapter and require the use of such forms.

(13) Make rules and regulations for the uniform navigational marking of the waters of this state. Such rules and regulations shall not conflict with markings prescribed by the United States Coast Guard. No political subdivision or person shall mark the waters of this state in any manner in conflict with the markings prescribed by the board.

(14) Make rules and regulations regarding marine toilets and their use consistent with the prevention and control of pollution of the waters of this state and not in conflict with the rules and regulations of the State Board of Health or the Environmental Quality Commission made under ORS 449.016 to 449.026, 449.035 to 449.060, 449.070 to 449.150, 449.210, 449.215, 449.220, 449.225, 449.230 to 449.235, 449.240, 449.245 and 449.250, 449.305 to 449.340, 449.390 to 449.400, 449.410 to 449.440, 449.505 to 449.565, 449.580, 449.760 to 449.830 and 449.850 to 449.920. The regulations may include sealing or otherwise rendering inoperative toilets not equipped with an approved device to render waste harmless.

(15) Institute proceedings to enjoin unlawful obstructions injuring free navigation on the waters of this state.

[1959 c.686 §34; 1961 c.292 §2; 1963 c.355 §18; 1965 c.478 §1; 1967 c.536 §5]

488.833 Annual boating survey. The board annually shall conduct a survey of owners and others to determine, by county, the kinds of boating activity on the various waters of the state during different periods of the year. Boating activity in a county shall be determined by taking into consideration the number and kinds of boats engaging in different boating activities in the county and the number of days during the last fiscal year that such activities were carried on in the county. The board may also consider other factors relating to the enforcement of boating safety and traffic regulations provided by this chapter and the regulations adopted pursuant thereto.

[1971 c.475 §6]

488.835 Manner of giving notices. Notice of any hearing required by this chapter to be given by the board to a person shall be written notice given in person or by certified mail. If notice is mailed it shall be deemed to be made on the second day after it is placed in the mail.

[1959 c.686 §26]

488.840 Term of office of board members; vacancies. The term of office of a member is four years beginning on July 1 of the year of appointment. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the Governor shall appoint a successor to assume his duties on July 1 at the expiration of his predecessor's term. A vacancy in office shall be filled by appointment for the unexpired term.
[1959 c.686 §28]

488.845 Compensation and expenses of members. Members of the board are entitled to compensation and expenses as provided in ORS 292.495.
[1959 c.686 §30; 1969 c.314 §57]

488.850 Officers; quorum; meetings. The board shall select one of its members as chairman and another as secretary, each of whom shall hold office for one year, or until the selection of a successor. Three members of the board constitute a quorum for the transaction of business. The board shall meet at least once every three months at a place, day and hour determined by the board. The board shall also meet at such other times and places as are specified by the call of the chairman or of three members of the board.
[1959 c.686 §31]

488.855 State Marine Director. (1) The board shall appoint a State Marine Director who shall serve at the pleasure of the board.

(2) The director shall devote full time to the duties of his office. With the approval of the board, he shall:

(a) Administer the numbering, certificating, recording and licensing duties of the board.

(b) Perform any other duties assigned by the board.

(c) Hire subordinate employes and fix their compensation.
[1959 c.686 §32]

488.860 Disposition of moneys received by board. (1) On or before the 10th day of each month, the board shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit the moneys to the Boating Safety, Law Enforcement and Facility Account in the General Fund, which account hereby is created. The moneys in the account hereby are continuously appropriated to the board for the purpose of paying the expense of administering and enforcing the provisions of this chapter. The board shall keep a record of all moneys received and expended.

(2) (a) After paying the necessary expenses incurred by the board in administering this chapter, the funds available in the account shall be distributed, in the amounts required, for the purpose of enforcing the provisions of this chapter and the regulations adopted pursuant thereto. The board shall determine the amount required for enforcement in each county, considering the survey conducted under ORS 488.833. The funds available shall be apportioned according to the amounts required and distributed, for enforcement in each county where there is a need, under a contract entered into either with the Department of State Police or with the sheriff of the county. A contract with a sheriff shall be entered into only with the approval of the governing body of the county. The board shall determine the intervals at which the moneys shall be distributed.

(b) Amounts remaining on January 1 each year in excess of funds obligated by contracts entered into under paragraph (a) of this subsection, shall be distributed to cities, counties, and park and recreation districts, upon application, as the needs for facilities appear, to be used for the construction and maintenance of boating facilities, for the acquisition of property therefor, and other related facilities such as parking, potable water, sanitation, and other facilities for the convenience of the public using the boating facilities.

(3) The governing body of any county having within its boundaries a city providing recreational boating facilities including launching ramps, may contract with the city for the purpose of enforcing the provisions of this chapter and the rules and regulations made pursuant thereto. If the city enters into such a contract, the county is relieved of its enforcement responsibilities within the city as agreed to by the county and the city. The percentage to the city shall be based on the ratio that the population of the city within the county bears to the total population of the county. Population of a city or county shall be the population as determined by the State Board of Higher Education last preceding such distribution.
[1959 c.686 §35; 1965 c.589 §1; 1967 c.536 §6; 1971 c.475 §4]

488.865 Disposition of fines collected. (1) Each fine resulting from prosecution under this chapter, except ORS 488.071, 488.080, 488.110, 488.120, 488.130, 488.140, 488.160, 488.610, 488.620 and subsections (1) to (6) of ORS 488.990 shall be paid to the Department of Revenue by the court or judicial officer collecting the fine or bail, after deducting any court costs in the proceeding. The Department of Revenue shall deposit the moneys in the Boating Safety, Law Enforcement and Facility Account.

(2) Payment of fines under this section shall be made within the first 20 days of the month following the month in which collected.
[1959 c.686 §§36, 37; 1971 c.186 §4; 1971 c.475 §7]

488.870 Consistency with federal law. If any provision of ORS 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820 and 488.825 to 488.870 conflicts with the Federal Boating Act of 1958 so that the system of identifying numbers for boats devised by the board is not approved by the secretary of the department of the Federal Government under which the United States Coast Guard is operating, that provision of ORS 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820 and 488.825 to 488.870 is inoperative to the extent that it so conflicts, but such conflict shall not affect the remainder of ORS 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820 and 488.825 to 488.870.
[1959 c.686 §37a]

PENALTIES

488.990 Penalties. (1) Violation of ORS 488.100 or 488.160 is a misdemeanor.

(2) Except as provided in subsection (1) of this section, violation of any provision of ORS 488.011 to 488.180 and 488.600 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 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 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 more than $50.

(6) Violation of subsection (2) or (3) of ORS 488.620 is a misdemeanor.

(7) Violation of ORS 488.640 is punishable, upon conviction, by a fine of not more than $50. Failure to affix a proper capacity plate shall constitute a separate violation for each boat with respect to which such failure occurs.

(8) Violation of any provision of ORS 488.705 to 488.730, 488.735 to 488.762, 488.780 to 488.820 and 488.825 to 488.870 is punishable, upon conviction, by a fine of not more than $50, or by imprisonment in the county jail for not more than 30 days, or both.

[Subsection (6) enacted as 1955 c.440 §2; subsections (1) and (2) enacted as 1957 c.467 §18; 1959 c.148 §2; subsection (8) enacted as 1959 c.686 §38; 1961 c.185 §13; 1967 c.176 §3; subsection (7) enacted as 1967 c.467 §4 (2); 1967 c.620 §18]

488.995 Penalties for false certification. Any person who in connection with the issuance of a citation, or the filing of a complaint, for a boating offense, as defined in subsection (6) of ORS 488.005, wilfully certifies falsely to the matters set forth therein is punishable, upon conviction, by imprisonment in the county jail for a term not exceeding one year or by a fine of not more than $5,000, or both.
[1967 c.620 §14]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1971.

Robert W. Lundy
Legislative Counsel

CHAPTERS 489 AND 490

[Reserved for expansion]