

TITLE 61

SMALL WATERCRAFT

Chapter 830. Small Watercraft

Chapter 830

1991 EDITION

Small Watercraft

GENERAL PROVISIONS

- 830.005 Definitions
- 830.010 Boating offense definitions
- 830.015 Application of ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490
- 830.025 Other boating laws not affected
- 830.035 Peace officers to enforce chapter; fleeing; attempts to elude
- 830.040 Contrary local laws prohibited
- 830.050 Reporting lost boat
- 830.060 Consistency with federal law
- 830.080 Boating Offense Compact

STATE MARINE BOARD

- 830.100 Boating safety policy
- 830.105 State Marine Board
- 830.110 Powers and duties of board
- 830.115 Boating survey
- 830.120 Term; vacancies
- 830.125 Compensation and expenses
- 830.130 Officers; quorum; meetings
- 830.135 State Marine Director
- 830.140 Disposition of moneys in Boating Safety, Law Enforcement and Facility Account
- 830.145 Disposition of fines or bail
- 830.150 Disbursement of funds for boating facilities; priorities; water quality protection; hearing
- 830.155 Revolving fund; limit
- 830.160 Board authority to remove obstructions from water
- 830.165 Boating safety educational program; youthful boat operator program
- 830.170 Agreements with other jurisdictions
- 830.172 County boat use permit program review

REGULATIONS FOR SPECIFIC AREAS

- 830.175 Regulations for specific areas
- 830.180 Use of motors prohibited on certain lakes; exceptions
- 830.185 Speed restrictions in certain areas

- 830.190 Temporary suspension of speed restrictions
- 830.195 Board to protect traditional boating uses and prevent user conflicts
- 830.200 County boat use permits

EQUIPMENT REQUIREMENTS

- 830.210 Operating improperly equipped boat prohibited
- 830.215 Personal flotation devices
- 830.220 Fire extinguishers
- 830.225 Lights
- 830.230 Sound signaling devices
- 830.235 Carburetors
- 830.240 Ventilation systems
- 830.245 Safety devices on boat operated in tidewater
- 830.250 Additional equipment
- 830.260 Muffling devices
- 830.270 Notice to board on noise violation charge; board to supply information to court; suspension of certificate

BOATING OPERATIONS

- 830.300 Operating boat in violation of chapter prohibited
- 830.305 Unsafe operation
- 830.315 Reckless operation; speed
- 830.325 Operating boat while under influence of intoxicating liquor or controlled substance
- 830.330 Liability of owner for negligent operation of boat
- 830.335 Operator to maintain lookout
- 830.340 Navigation rules
- 830.345 Traffic lanes; swim areas
- 830.350 Testing racing motorboat
- 830.355 Overloading
- 830.360 Riding on bows, decks and gunwales
- 830.365 Water skiing, surfboarding and similar activities
- 830.370 Mooring to buoys and beacons; defacing or destroying navigational markers
- 830.375 Authorization required to hold marine event

SMALL WATERCRAFT

RENTAL, CHARTER OR LIVERY GENERALLY

- 830.410 Operator of boat livery to provide properly equipped boats
- 830.415 Records of operator of boat livery
- 830.420 Minimum equipment requirements for rental or charter boats; inspection; cancellation or revocation of certificate for failure to comply

OCEAN CHARTER VESSEL REGULATION

- 830.430 Definitions for ORS 830.430 to 830.460 and 830.997
- 830.435 License required for ocean charter vessel operation; reciprocity with Washington license holders; license and fee in lieu of other requirements
- 830.440 License application; contents; fee; transfer of license
- 830.445 Liability insurance form; notice to board upon termination of coverage; license suspension for failure to maintain insurance
- 830.450 Equipment requirements
- 830.460 Prohibited activities

ACCIDENTS

- 830.475 Duties of operators and witnesses at accidents
- 830.480 Accident report required
- 830.485 Form of report; sending death certificate to State Marine Board
- 830.490 Confidential nature of report
- 830.495 Report of accident resulting in death or disappearance; duties of passengers

BOATING UNDER INFLUENCE OF INTOXICANTS

- 830.505 Implied consent to chemical tests for intoxicants; refusal to submit; consequences
- 830.510 Chemical evidence of use of intoxicants
- 830.515 Evidence of refusal to submit to test in legal proceeding
- 830.520 Circumstances under which chemical tests may be administered
- 830.525 Chemical tests obtained by subject
- 830.535 Criteria for chemical analyses
- 830.545 Information about rights and consequences
- 830.550 Implied consent to field sobriety tests for intoxicants; refusal to submit; consequences

NUMBERING, TITLES AND LICENSES (Generally)

- 830.700 Definitions for ORS 830.060 to 830.145 and 830.700 to 830.870
- 830.705 Exceptions to numbering, title and license requirements
- 830.710 Report of transfer, abandonment or destruction of boat, boathouse or floating home or change of address of owner
- 830.715 Record of certificates and numbers; fees for furnishing information
- 830.720 Cancellation of title upon scrapping of boat, boathouse or floating home

- 830.725 Distribution of lists of owners
- 830.730 False information prohibited

(Titles; Security Interest)

- 830.740 Perfection of security interest in boats, boathouses and floating homes covered by certificate of title; applicability of Uniform Commercial Code
- 830.745 Notation on title of creation, satisfaction or assignment of security interest; fee
- 830.750 Transfer of title subject to security interest; dealer transferees; fee
- 830.755 Transfer by operation of law of title subject to security interest; fee

(Boats)

- 830.770 Certificate of number required on boat; exceptions
- 830.775 Operation of certain boats without certificates of registration
- 830.780 Identifying number on forward half of boat
- 830.785 Application for boat number
- 830.790 Certificate fees
- 830.795 Issuance of certificate of number and validation stickers; stickers placed on boats
- 830.800 Expiration of certificate of number; renewal of certificate and stickers
- 830.805 Application by owner having number awarded by Federal Government or another state
- 830.810 Certificate of title; exceptions; fee; penalty fee
- 830.815 Refusal to issue or cancellation of certificate
- 830.820 Duplicate certificates or validation stickers; fee
- 830.825 Hull identification number required
- 830.830 Dealer or boat manufacturer number

(Floating Homes; Boathouses)

- 830.850 Identifying number plate required on floating homes and boathouses; certificate of title required; fee
- 830.855 Application for floating home or boathouse identifying plate; fee; issuance of certificate of title
- 830.860 Validity of certificate of title; new certificates; fee
- 830.865 Rules
- 830.870 Duplicate certificates; fee

DISPOSITION OF BOATS AND EQUIPMENT FROM WHICH IDENTIFICATION NUMBER REMOVED

- 830.875 Definitions for ORS 830.880 to 830.895
- 830.880 Seizure of boats and equipment from which identification number has been removed; inspection of property; check for stolen boats; renumbering
- 830.885 Return of seized property; investigation to determine ownership; notice to owner
- 830.890 Public notice to persons having interest in seized property; court action; sale of property at public auction; disposition of proceeds
- 830.895 Renumbering; inspection requirement

SMALL WATERCRAFT

ABANDONED BOATS, FLOATING HOMES, BOATHOUSES

- 830.905 Abandoned boats, floating homes and boathouses; disposition by sheriff
- 830.910 Taking abandoned boat, floating home or boathouse into custody
- 830.915 Owner reclaiming
- 830.920 Sale if not reclaimed; other disposition; right of former owner
- 830.925 Certificate of sale; issuance of certificate of number
- 830.930 Transmitting return of sale and balance of proceeds
- 830.935 Claim by former owner to balance of proceeds

SUBMERSIBLE POLYSTYRENE

- 830.950 Definitions
- 830.955 Prohibition of installation of submersible polystyrene device

PENALTIES

- 830.990 Penalties
- 830.992 Penalty for purchase of boat or equipment from which identification number removed
- 830.994 Additional penalties for violation of ORS 830.325
- 830.995 Penalty for false certification
- 830.997 Penalty for ocean charter vessel violations

CROSS REFERENCES

- Court rules for boating offenses, 1.520
- Drug offense, vehicle used in violation, seizure, 167.247
- Guest passengers, liability, 30.115
- Legislative review of need for agency, 182.615

- Log patrol boats, marking, 532.650
- Outdoor recreation resources, policy of state, 390.010
- Port of Portland, development of marinas and other public recreational facilities, 778.073
- Private lands, limiting owner's liability for public recreational use, 105.655 to 105.680
- Seizure of conveyance used in violation of liquor laws, 471.660
- Taking or using watercraft without permission, 164.135
- 830.105
- Appointive officers, term, removal and appointment of successor, 236.140
- State agencies generally, Ch.182
- 830.140
- Population, determination, 190.520
- 830.145
- Action by Department of Revenue against judicial officer for delinquent payment of certain money, 30.830
- 830.260
- Noise emission in excess of EQC levels prohibited, 467.020
- 830.370
- Injuring buoy or beacon, 783.610
- 830.700
- Floating home eligible as homestead, 310.623
- Tangible personal property held for personal use; applicability of exemption to floating homes and boathouses, 307.190
- 830.770
- Commercial fishing boat license, 508.260

SMALL WATERCRAFT

GENERAL PROVISIONS

830.005 Definitions. As used in this chapter, 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, boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

(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) "Passenger" means every person on board a boat who is not the master, operator, crew member or other person engaged in any capacity in the business of the boat.

(8) "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.

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

(10) "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. [Formerly 488.011]

830.010 Boating offense definitions. As used in this chapter and ORS 1.520, unless the context otherwise requires:

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

(2) "Boating offense" includes a major boating offense, state boating offense or boating infraction.

(3) "Boating infraction" means a boating offense described under ORS 153.325.

(4) "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 830.315.

(b) Operating, propelling or in actual physical control of a boat while under the influence of intoxicating liquor or a controlled substance.

(c) Failure to perform the duties of an operator of a boat involved in an accident or collision, as defined in ORS 830.475.

(d) Knowingly fleeing or attempting to elude a law enforcement officer as prohibited in ORS 830.035.

(e) Willfully certifying falsely to matters set forth in a citation for a boating offense or when filing a complaint for a boating offense as prohibited in ORS 830.995.

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

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

(7) "State boating offense" means a violation of any provision of law for which any section of this chapter provides a penalty. [Formerly 488.005; 1991 c.67 §230]

830.015 Application of ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490. (1) Except as provided in subsection (2) of this section, ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 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 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 do not apply to the following boats, except as otherwise provided in this section:

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

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

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

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

(e) A boat belonging to a class of boats that has been exempted from the provisions

of ORS 830.705, 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 by the board as provided in ORS 830.110 (9).

(3) Subsection (2) of this section does not exempt the following boats:

(a) Small passenger vessels of less than 100 gross tons;

(b) Commercial vessels that are not required to be inspected under federal law; or

(c) Publicly owned recreational vessels. [Formerly 488.021]

830.025 Other boating laws not affected. (1) Nothing in ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 is intended to affect the provisions of ORS 783.610, 830.060 to 830.145, 830.175 to 830.185, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 or 830.830 to 830.870.

(2) The provisions of ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490 are in addition to and not in lieu of any other statutes. [Formerly 488.180]

830.035 Peace officers to enforce chapter; fleeing; attempts to elude. (1) 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.

(2) No person, while operating a boat on any waters of this state, shall knowingly flee or attempt to elude any law enforcement officer after having received a signal from a law enforcement officer to bring the boat to a stop. [Formerly 488.027]

830.040 Contrary local laws prohibited. No political subdivision of this state may enact or enforce any law contrary to the provisions of this chapter. [Formerly 488.028]

830.050 Reporting lost boat. If any person finds a boat which is lost or adrift the person shall report the whereabouts of the boat to the owner or to any peace officer at the earliest possible time. [Formerly 488.124]

830.060 Consistency with federal law. If any provision of ORS 830.060 to 830.145, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 conflicts with federal requirements 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 830.060 to 830.145, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780,

830.785, 830.795 to 830.820 and 830.830 to 830.870 is inoperative to the extent that it so conflicts, but such conflict shall not affect the remainder of ORS 830.060 to 830.145, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870. [Formerly 488.870; 1991 c.67 §231]

830.080 Boating Offense Compact. The Boating Offense Compact is enacted into law and entered into on behalf of this state with all other states legally joining therein in a form substantially as follows:

ARTICLE I

Findings and Declaration of Policy

(1) The party states find that:

(a) The safety of their waters is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of boats.

(b) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(2) It is the policy of each of the party states to promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of boats by their operators in each of the jurisdictions where such operators operate boats.

ARTICLE II

Definition

As used in this compact, "state" means a state that has entered into this compact.

ARTICLE III

Concurrent Jurisdiction

(1) If conduct is prohibited by two adjoining party states, courts and law enforcement officers in either state who have jurisdiction over boating offenses committed where waters form a common interstate boundary have concurrent jurisdiction to arrest, prosecute and try offenders for the prohibited conduct committed anywhere on the boundary water between the two states.

(2) This compact does not authorize:

(a) Prosecution of any person for conduct that is unlawful in the state where it was committed, but lawful in the other party state.

(b) A prohibited conduct by the party state.

ARTICLE IV

Entry Into Force and Withdrawal

(1) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(2) Any party state may withdraw from this compact by enacting a statute repealing the same.

ARTICLE V

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1991 c.590 §5]

Note: 830.080 was added to and made a part of ORS chapter 830 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

STATE MARINE BOARD

830.100 Boating safety 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. [Formerly 488.710]

830.105 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 appointment shall have resided in this state for at least one year.

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. [Formerly 488.825]

830.110 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 necessary to carry out the provisions of this chapter. The rules shall be made in accordance with ORS 183.310 to 183.550.

(2) Devise a system of identifying numbers for boats, floating homes and boathouses. If an agency of the Federal Gov-

ernment 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 830.060 to 830.145, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870.

(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 a temporary permit to operate a boat. The agents may charge, in addition to the prescribed fees, \$1 per transaction for their services in issuing the temporary permit.

(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 for the uniform navigational marking of the waters of this state. Such rules 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 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 of the Health Division or the Environmental Quality Commission.

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

(16) Make rules regulating water ski course markers, ski jumps and other special use devices placed in the waters of this state. Such rules may regulate the installation and use of the devices and may require a permit.

(17) Adopt rules necessary to carry out and enforce the provisions of ORS 830.950 and 830.955. The rules shall include but need not be limited to:

(a) The kinds of protective covering or physical barriers that are acceptable to be used between a submersible polystyrene device and the water.

(b) Guidelines for the use of submersible polystyrene devices for the repair or maintenance of existing docks or floats.

(18) Adopt rules no later than November 1, 1991, providing for establishment of a Safe Boating Education Course to be made available to courts and law enforcement agencies within this state for use as a sentencing option for those individuals convicted of boating offenses. The board shall specify the content of the Safe Boating Education Course and shall prescribe procedures for making the course available to local courts and law enforcement agencies, including procedures for promptly notifying such courts whether individuals required to enroll in the course have taken and successfully passed the course. Such rules may provide for administration of the course through nonprofit organizations, such as the United States Coast Guard Auxiliary, United States Power Squadrons or similar groups. [Formerly 488.830; 1991 c.759 §6; 1991 c.931 §1]

830.115 Boating survey. The board shall at least once every three years 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. [Formerly 488.833]

830.120 Term; 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 duties on July 1 at the expiration of the predecessor's term. A vacancy in office shall be filled by appointment for the unexpired term. [Formerly 488.840]

830.125 Compensation and expenses. Members of the board are entitled to compensation and expenses as provided in ORS 292.495. [Formerly 488.845]

830.130 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. [Formerly 488.850]

830.135 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 the office. With the approval of the board, the director shall:

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

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

(c) Hire subordinate employees and fix their compensation. [Formerly 488.855]

830.140 Disposition of moneys in Boating Safety, Law Enforcement and Facility Account. (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) 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 830.115. 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 with a city, with the Department of State Police or with the sheriff of the county. A contract with a city or a sheriff shall be entered into only with the approval of the governing body of the city or county. The board shall determine the intervals at which the moneys shall be distributed.

(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.

(4) If the city enters into a contract with the board or with a county, the county is relieved of its enforcement responsibilities within the city as agreed to by the county and the city or by the board and the city. [Formerly 488.860]

830.145 Disposition of fines or bail. (1) All fines and forfeited bail resulting from prosecution under this chapter shall be credited and distributed under ORS 137.293 and 137.295 as monetary obligations payable to the state.

(2) Payment of fines and forfeited bail collected in a justice's court under this section shall be made within the first 20 days of the month following the month in which collected. [Formerly 488.865; 1987 c.905 §24]

Note: The amendments to 830.145 by section 24, chapter 905, Oregon Laws 1987, take effect July 1, 1992. See section 39, chapter 905, Oregon Laws 1987, as amended by section 1, chapter 460, Oregon Laws 1991. The text as amended by section 10, chapter 460, Oregon Laws 1991, that is in effect until July 1, 1992, is set forth for the user's convenience.

830.145. (1) All fines and forfeited bail resulting from prosecution under this chapter shall be paid by the court or judicial officer collecting the fine or bail, after deducting any court costs in the proceeding, as follows:

(a) If collected in a circuit or district court, to the credit of the Criminal Fine and Assessment Account.

(b) If collected in a justice's court, to the Department of Revenue, which shall deposit the moneys in the Criminal Fine and Assessment Account.

(2) Payment of fines and forfeited bail collected in a justice's court under this section shall be made within the first 20 days of the month following the month in which collected.

830.150 Disbursement of funds for boating facilities; priorities; water quality protection; hearing. (1) Amounts remaining in the Boating Safety, Law Enforcement and Facility Account in excess of funds obligated under ORS 830.140 (2) shall be distributed,

upon application, to the state, a city, county, water improvement district, park and recreation district or a port. Distribution shall be made on the basis of need for a facility as that need appears to the board.

(2)(a) In distributing funds under subsection (1) of this section, the board shall give first priority to applications for facilities designed to control water pollution or otherwise enhance water quality, including but not limited to pumping stations for recreational boat holding tanks, and to those other facilities for which there appears the greatest public need.

(b) Subject to paragraph (a) of this subsection, the board may distribute funds for:

(A) 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; and

(B) Removal of derelict structures floating upon and abandoned dock or boat mooring facilities situated in, upon or over the waters of this state if such structures or facilities constitute a hazard to boating upon such waters.

(3) Prior to making any distribution of funds under this section, the board shall hold a public hearing in the area where a facility is to be constructed or land acquired if in the judgment of the board, use of the facility would stimulate significant change in the character of the recreational use of the waters.

(4) The board shall make no distribution of funds under this section for construction or acquisition if in the judgment of the board the applicant has not included in the construction or acquisition plans adequate provision for protecting the quality of the waters affected by the plans. The board's denial of any application under this subsection must include specific notice to the applicant of the point or points of the plan that are found by the board to be inadequate. [Formerly 488.875]

830.155 Revolving fund; limit. A revolving fund not to exceed \$2,500 may be established within the State Marine Board from funds available under section 1 (1), chapter 84, Oregon Laws 1991. This revolving fund may be used for payment of state claims appropriately authorized by the State Marine Board not to exceed \$50 per transaction. The fund shall be replenished periodically through charges made for such purchases to appropriate accounts or funds. [1991 c.84 §4]

Note: 830.155 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 830 or any series therein by legislative

action. See Preface to Oregon Revised Statutes for further explanation.

830.160 Board authority to remove obstructions from water. In addition to any other authority to promote safe boating pursuant to this chapter, the board may cause the removal of any obstruction consisting of logs, rocks or other debris resulting from natural causes from the waters of this state if the board finds the obstruction to be an extraordinary hazard to boating safety. The board may pay the cost of such removal from amounts reserved therefor in the account created by ORS 830.140. [Formerly 488.883]

830.165 Boating safety educational program; youthful boat operator program. (1) In order to protect the public interest in the prudent and equitable use of the waters of this state and enhance the enjoyment of pleasure boating and other recreational water sports thereon, the board shall establish and pursue comprehensive educational programs designed to advance boating safety.

(2) The board shall put into effect a program to train youthful boat operators. For the purpose of giving the courses of instruction, the director may designate as the agent of the director any person the director deems qualified to act in such capacity. No charge shall be made for any instruction given. [Formerly 488.200]

830.170 Agreements with other jurisdictions. The board is authorized to enter into bilateral, reciprocal agreements with other jurisdictions to provide mutual assistance in the disposition of boating offenses committed by residents of one jurisdiction while in the other jurisdiction. [1991 c.590 §4]

Note: 830.170, 830.172 and 830.200 take effect June 30, 1992. See section 6, chapter 590, Oregon Laws 1991.

830.172 County boat use permit program review. (1) In addition to those powers and duties set forth in ORS 830.110, the board shall review county boat use permit programs, adopted by county ordinance, for approval or denial.

(2) The board shall review county boat use permit programs under the following standards:

(a) Funds shall be dedicated to county boating programs for boating safety, marine law enforcement or boating facilities;

(b) The program applies only to counties bordering a state that allows imposition of a boat use permit fee;

(c) The program meets standards adopted by rule by the board pertaining to:

(A) Use of funds;

(B) Amount of fee;

(C) Administration; and

(D) Enforcement; and

(d) Boats with a current, valid certificate of number issued by the board under ORS 830.795 and manually propelled vessels are exempt from county boat use permits. [1991 c.590 §1]

Note: See note under 830.170.

REGULATIONS FOR SPECIFIC AREAS

830.175 Regulations for specific areas.

(1) 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. 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.

(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) 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 Fish and Wildlife 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) The board may designate certain rivers or sections of rivers as hazardous. In making such designations, the board may consider recommendations of guide associations incorporated in this state.

(5) Regulations regarding operation of boats pursuant to this section shall be adopted in accordance with the provisions of ORS 183.310 to 183.550.

(6) 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 830.315. [Formerly 488.600]

830.180 Use of motors prohibited on certain lakes; exceptions. 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:

<u>Counties</u>	<u>Lakes, Reservoirs and Rivers</u>
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
Jackson	Squaw Lakes
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 488.610]

830.185 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 and Diamond Lake in Douglas 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:

<u>Counties</u>	<u>Lakes and Reservoirs</u>
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, 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 488.620]

830.190 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. [Formerly 488.625]

830.195 Board to protect traditional boating uses and prevent user conflicts. In addition to any other authority to regulate boating activities pursuant to this chapter, the board may regulate and restrict boating activities to protect traditional boating uses and to prevent boating user conflicts. [Formerly 488.880]

Note: 830.195 was added to and made a part of ORS chapter 830 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

830.200 County boat use permits. (1) Except as otherwise provided in this section, it is unlawful to operate a boat on the waters of this state if a county requires a boat use permit to do so and the operator of the boat has not obtained the permit.

(2) Notwithstanding the provisions of subsection (1) of this section, a resident of the State of Idaho may operate a boat on the waters of this state without a boat use permit. The provisions of this subsection do not become operative until laws, rules or regulations of the State of Idaho become operative that, in substance or effect, contain provisions which make lawful engaging in boating without obtaining a boat use permit or paying a fee to operate a boat. This subsection remains operative only while such laws, rules or regulations remain operative. [1991 c.590 §3]

Note: See note under 830.170.

EQUIPMENT REQUIREMENTS

830.210 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 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490. [Formerly 488.024]

830.215 Personal flotation devices. (1) All boats shall carry at least one United States Coast Guard approved personal flotation device in good and serviceable condition for each person on board. Each device shall be of an appropriate size for the person for whom it is intended and shall be readily accessible whenever the boat is in use. As used in this subsection, a personal flotation device is not "readily accessible" if it is stowed in a locked compartment or locker or is otherwise not immediately, physically available to persons on board the boat in case of an emergency.

(2) The board by regulation will classify types of devices and specify which types are approved for various classes of vessels. The regulations will be consistent with, but shall not exceed those regulations promulgated by

the United States Coast Guard. [Formerly 488.031]

830.220 Fire extinguishers. (1) Every motorboat shall carry on board, fully charged and in good condition fire extinguishers of a type required by the board by rule.

(2) The board shall make rules for fire extinguishers in accordance with ORS 183.310 to 183.550.

(3) When the board makes rules under this section it may consider fire extinguisher requirements and standards adopted by the United States Coast Guard. [Formerly 488.090]

830.225 Lights. On all waters of the state, every boat shall carry and exhibit the lights required by rules promulgated by the board. Such rules shall be designed to prevent collisions and generally promote boating safety. In promulgating such rules the board may consider lighting requirements and standards adopted by the United States Coast Guard and by federal statutes. [Formerly 488.041]

830.230 Sound signaling devices. (1) Each boat shall carry on board, in good and serviceable condition, sound signaling devices of a type required by the board by rule.

(2) The board shall make rules for sound signaling devices in accordance with ORS 183.310 to 183.550.

(3) When the board makes rules under this section, it may consider sound signaling requirements and standards adopted by the United States Coast Guard. [Formerly 488.063]

Note: 830.230 was enacted into law by the Legislative Assembly but was not added to and made a part of ORS chapter 830 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

830.235 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. [Formerly 488.071]

830.240 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 183.310 to 183.550, 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. [Formerly 488.080]

830.245 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 183.310 to 183.550. [Formerly 488.092]

830.250 Additional equipment. The board may require by rule 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 rules shall be made in accordance with ORS 183.310 to 183.550 and, to the extent considered by the board to be consistent with safety of persons and property, shall equal or exceed the regulations promulgated by the United States Coast Guard. [Formerly 488.094]

830.260 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 830.375.

(2) On racing motorboats while the boat or equipment on the boat is being tried or tested in compliance with ORS 830.350. [Formerly 488.052]

830.270 Notice to board on noise violation charge; board to supply information to court; suspension of certificate. (1) Before hearing any charge for violation of ORS 830.260, a court shall notify the State Marine Board of the name of any person cited for violation of ORS 830.260 and the number of any boat used in the alleged violation.

(2) Upon receipt of a notification under subsection (1) of this section, the board shall:

(a) Notify the court of whether the person cited is the owner of the boat; and

(b) If the person is not the owner of the boat, notify the boat owner that the certificate of number of the boat will be suspended under ORS 830.815 if the person cited for operating the boat is convicted and there is no evidence to satisfy the court that the boat has been brought into compliance with standards for sound levels established by the board for purposes of ORS 830.815.

(3) At a hearing for violation of ORS 830.260, the court shall allow the owner of the boat used in the violation to show that the boat has been brought into compliance

with standards for sound levels established by the board.

(4) If a court finds that a person has operated a boat in violation of ORS 830.260, the court shall provide the board with information necessary to suspend the certificate of number for the boat under ORS 830.815 unless evidence has been presented to the satisfaction of the court that the boat has been brought into compliance with the standards for sound levels established by the board. [Formerly 488.055]

BOATING OPERATIONS

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

830.305 Unsafe operation. A person commits the crime of unsafe operation of a boat if the person operates a boat in a manner that endangers or would be likely to endanger any person or property. [Formerly 488.099]

830.315 Reckless operation; speed. (1) A person commits the crime of reckless operation of a boat who operates a boat carelessly and heedlessly in willful or wanton disregard of the rights, safety or property of others.

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

(3) Nothing in ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.240 and 830.475 to 830.490 is intended to prevent the operator of a boat actually competing in an event which is authorized as provided in ORS 830.375 from attempting to attain high speeds on a marked racing course. [Formerly 488.100]

830.325 Operating boat while under influence of intoxicating liquor or controlled substance. (1) No person under the influence of an intoxicating liquor or controlled substance shall operate, propel or be in actual physical control of any boat on any waters of this state.

(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 on any waters of this state by any person who is under the influence of an intoxicating liquor or a controlled substance. [Formerly 488.160; 1991 c.931 §4]

830.330 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. [Formerly 488.178]

830.335 Operator to maintain lookout.

The operator of a boat shall keep a proper lookout at all times while underway. [Formerly 488.101]

830.340 Navigation rules. (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. [Formerly 488.110]

830.345 Traffic lanes; swim areas. (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. [Formerly 488.120]

830.350 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.

(g) Where persons or property will be disturbed or endangered because the waters on which the boat is operated are within a residential area.

(2) Subject to subsection (1) of this section, motorboats may be operated on public waters without effective muffling devices as required by ORS 830.260, 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 830.175.

(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 830.175, if a person wishes to operate a boat for such a purpose on public waters within the county, outside the designated testing area, the person 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. Provided, however, the sheriff in issuing such a permit may waive paragraph (g) of subsection (1) of this section if the boat being tested is muffled in accordance with ORS 830.260. [Formerly 488.102]

830.355 Overloading. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions. [Formerly 488.130]

830.360 Riding on bows, decks and gunwales. (1) No person operating a motorboat shall allow any person to ride or sit on the deck over the bow of the boat while under way unless the motorboat is provided with adequate guards or railing.

(2) No person operating a motorboat shall allow any person to ride or sit on the starboard or port gunwales or on the transom of the boat while underway at a speed in excess of five miles per hour unless the motorboat is provided with adequate guards or railings.

(3) No person operating a motorboat shall allow any person to ride or sit on the bow, gunwale or transom railings while underway.

(4) Nothing in subsection (1) or (2) of this section:

(a) Is intended to prevent passengers or other persons aboard a boat from standing on 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; or

(b) Applies to a boat rigged and equipped as a sailboat when operating under sail power. [Formerly 488.140]

830.365 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 830.375.

(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 an intoxicating liquor or a controlled substance.

(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. [Formerly 488.144]

830.370 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. [Formerly 488.150]

830.375 Authorization required to hold marine event. (1) At least 30 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. [Formerly 488.108]

RENTAL, CHARTER OR LIVERY GENERALLY

830.410 Operator of boat livery to provide properly equipped boats. No operator of a boat livery shall permit any boat the operator rents to depart from the livery premises unless the boat is equipped as provided under ORS 830.005, 830.015 to 830.050, 830.175, 830.210 to 830.420 and 830.475 to 830.490. [Formerly 488.025]

830.415 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. [Formerly 488.098]

830.420 Minimum equipment requirements for rental or charter boats; inspection; cancellation or revocation of certificate for failure to comply. (1) The board shall provide by rule minimum equipment requirements for boats rented or chartered to the public. The rules shall be made in accordance with ORS 183.310 to 183.550.

(2) Designated representatives of the board may annually inspect all rental or charter boats to check for the equipment required by the board. Any inspections conducted shall be coordinated with other state and federal agencies to minimize duplication of vessel inspections and boardings.

(3) 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 equipment requirements provided by the board. [Formerly 488.026]

OCEAN CHARTER VESSEL REGULATION

830.430 Definitions for ORS 830.430 to 830.460 and 830.997. As used in ORS 830.430 to 830.460 and 830.997:

(1) "Ocean" means those waters of the Pacific Ocean that are west of the demarcation lines described in the International Collision Regulations at Sea of 1972.

(2) "Ocean charter vessel" means a vessel used in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in the ocean. [1989 c.885 §2]

830.435 License required for ocean charter vessel operation; reciprocity with Washington license holders; license and fee in lieu of other requirements. (1) Except as otherwise provided in this section, it is unlawful to engage in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes in ocean waters within the jurisdiction of this state without first obtaining an ocean charter vessel license from the board.

(2) A resident of the State of Washington who holds a license issued by that state to engage in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes may conduct those activities in ocean waters within the jurisdiction of this state north of Cape Falcon without the license required by subsection (1) of this section if the vessel leaves from and returns to a Columbia River port in the State of Washington. The provisions of this subsection do not become operative until laws, rules or regulations of the State of Washington become operative that, in substance or effect, contain provisions which make lawful engaging in the business of carrying passengers for hire for angling, sightseeing or other recreational purposes with a valid Oregon ocean charter vessel license in the waters of the Pacific Ocean within the jurisdiction of the State of Oregon or the State of Washington between the Oregon-Washington boundary and Leadbetter Point. This subsection remains operative only while such laws, rules or regulations remain operative.

(3) The license required by subsection (1) of this section is in lieu of registration required by ORS chapter 704 to carry passen-

gers for hire for angling, sightseeing or other recreational purposes in any navigable waters of this state. Payment of the license fee referred to in ORS 830.440 (2)(b) is in lieu of any other fee or tax for the possession, use or operation of the vessel. [1989 c.885 §3]

830.440 License application; contents; fee; transfer of license. (1) An individual who desires to obtain an ocean charter vessel license shall make written application therefor to the board. The application shall include such information regarding the vessel and copies of such documents and licenses regarding operation of the vessel as the board may require. The application shall be accompanied by proof that the applicant has protection against liability imposed by law covering occurrences by the operator of the ocean charter vessel, and the employees of the operator, for the payment of damages for bodily injuries, including death resulting therefrom, in the minimum amount of \$300,000 per occurrence, at any time while engaged in carrying passengers for hire. The applicant shall certify that the vessel complies with the equipment requirements established by the board under ORS 830.450.

(2) The annual fee for an ocean charter vessel license is:

(a) For vessels owned by residents of this state if the vessel has license, title and number issued pursuant to ORS chapter 830, \$50.

(b) For vessels owned by residents of this state if the vessel has a valid marine document issued by an agency of the Federal Government, \$100.

(c) For vessels owned by persons who reside in a state that requires Oregon residents to pay a license fee to operate an ocean charter vessel in the waters of that state, such fee as is charged Oregon residents to operate an ocean charter vessel in the state where the nonresident applicant resides.

(d) For all vessels owned by nonresidents other than those described in paragraph (c) of this subsection, \$100.

(3) A license issued pursuant to this section is transferable to a replacement vessel of the license holder and is transferable to the purchaser of the vessel when the vessel is sold. [1989 c.885 §4]

830.445 Liability insurance form; notice to board upon termination of coverage; license suspension for failure to maintain insurance. (1) The liability protection required by ORS 830.440 shall be provided in one of the following ways:

(a) By a policy or policies of bodily injury liability insurance described as protection and indemnity insurance in the Standard

American Institute Hull Form, issued by an insurer authorized by ORS chapter 731 to transact such insurance in this state.

(b) By a bond or bonds, issued by a surety company or companies, authorized by ORS chapter 731 to transact such business in this state.

(c) By evidence of insurance issued on behalf of Lloyds of London by an insurance broker authorized by ORS chapter 731 to transact such business in this state.

(d) By any other evidence of liability protection approved by the board.

(2) If the provider of liability protection cancels or refuses to renew the protection, the company, not less than 30 days prior to the effective date of termination of the protection, shall notify the board in writing of the termination and its effective date. Upon receipt of a liability protection termination notice, the board shall send written notice to the ocean charter vessel operator that the board will suspend that person's ocean charter vessel license unless proof of liability protection required by ORS 830.440 is filed with the board prior to the effective date of the proposed liability protection termination. The board may suspend an ocean charter vessel license if the licensee fails to maintain in full force and effect the liability protection required by ORS 830.440. A license that has been suspended pursuant to this section may not be reinstated until proof of liability protection required by ORS 830.440 has been filed with the board. [1989 c.885 §11]

830.450 Equipment requirements. No person shall operate a vessel to engage in activities for which an ocean charter vessel license is required unless all equipment required pursuant to this section is on board the vessel and in proper working order. In establishing equipment requirements, the board shall consider recommendations from charter boat associations. The board shall consider requiring the following types of equipment:

(1) If the vessel operates not more than 20 miles from the nearest port:

- (a) First-aid kit.
- (b) Automatic bilge warning light or bell for high water condition, audible or visible from each steering station.
- (c) Depth finder.
- (d) Life jackets.
- (e) Light and smoke flares.
- (f) VHF radio with frequencies appropriate to contact the United States Coast Guard.
- (g) Power-operated bilge pumps.
- (h) Running lights.

(i) Anchor and anchor chain or line.

(j) Displayed ocean class United States Coast Guard operator's license.

(k) Engine room space ventilation system and blower system.

(L) Fire extinguishers.

(m) Magnetic compass.

(n) Bailing buckets or hand-operated bilge pump.

(o) Loran C or radar navigational equipment.

(p) Emergency Position Indicator Radio Beacon device (EPIRB).

(q) Life ring.

(2) If the vessel operates more than 20 miles from the nearest port, in addition to the equipment specified in subsection (1) of this section, the board shall consider requiring the following types of equipment:

(a) Single sideband radio.

(b) Life raft or unsinkable shore boat.

(c) Navigational charts for the area in which the vessel is operating.

(d) Water lights. [1989 c.885 §5]

830.460 Prohibited activities. (1) No person shall make any false statement of material fact in making application for an ocean charter vessel license pursuant to ORS 830.440.

(2) No person shall operate a vessel to engage in activities for which an ocean charter vessel license is required, if it is determined upon inspection by the board or its representative, or upon citation by a peace officer, that the vessel fails to comply with the equipment requirements of ORS 830.450, until all equipment requirements are met.

(3) No person shall operate a vessel to engage in activities for which an ocean charter vessel license is required without having in effect the protection against liability referred to in ORS 830.440 and 830.445. [1989 c.885 §6]

ACCIDENTS

830.475 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 the boat at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until the operator 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, the name, address and the identifying number of the boat which the operator 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, the name and address of the witness. [Formerly 488.164]

830.480 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 in excess of the dollar amount established by rule of the board shall make a report of the accident to the board in such form and manner as the board by rule may prescribe.

(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. [Formerly 488.168; 1991 c.17 §1]

830.485 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 830.480. 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 the jurisdiction of the State Health Officer during the preceding calendar month. [Formerly 488.172]

830.490 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 the party's death, to any member of the party's family, or to the party's 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 federal requirement, the board shall transmit any information compiled or otherwise available to the board from the accident reports required by ORS 830.480 and 830.485. [Formerly 488.176; 1991 c.67 §232]

830.495 Report of accident resulting in death or disappearance; duties of passengers. (1) When, as a result of an occurrence that involves a boat or its equipment, a person dies or disappears from a boat, the operator shall, without delay, by the quickest means available, notify the nearest sheriff department, state police post, Coast Guard station or other law enforcement agency of:

(a) The date, time and exact location of the occurrence;

(b) The name of each person who died or disappeared;

(c) The number and name of the boat; and

(d) The names and addresses of the owner and operator.

(2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall notify the casualty reporting authority or determine that the notice has been given. [Formerly 488.190]

BOATING UNDER INFLUENCE OF INTOXICANTS

830.505 Implied consent to chemical tests for intoxicants; refusal to submit; consequences. (1) Any person who operates a boat on any waters of this state shall be deemed to have given consent to submit to chemical tests of the person's breath for the purpose of determining the alcoholic content of the person's blood if the person is arrested for operating a boat while under the influence of intoxicants while in violation of ORS 830.325 or of a municipal ordinance. Tests shall be administered upon the request of a peace officer having reasonable grounds to believe that the person arrested was operating a boat while under the influence of intoxicants while in violation of ORS 830.325 or of a municipal ordinance. Before the test is administered, the person requested to take the test shall be informed of rights and consequences as described in ORS 830.545.

(2) No chemical test of the person's breath shall be given under subsection (1) of this section, to a person under arrest for operating a boat while under the influence of intoxicants in violation of ORS 830.325 or of a municipal ordinance, if the person refuses the request of a peace officer to submit to the chemical test after the person has been informed of rights and consequences as described in ORS 830.545.

(3) Within the time required by the board by rule, the arresting officer shall report the following information to the board:

(a) Whether the person refused to submit to a test.

(b) Whether the person was informed of rights and consequences as described under ORS 830.545.

(4) A report required by this section may be made on one or more forms provided by the board. [1991 c.931 §7]

830.510 Chemical evidence of use of intoxicants. (1) At the trial of any civil or criminal action, suit or proceeding arising out of the acts committed by a person operating a boat while under the influence of any intoxicants, if the amount of alcohol in the person's blood at the time alleged is less than .08 percent by weight of alcohol and shown by chemical analysis of the person's breath or blood, it is indirect evidence that may be used with other evidence, if any, to determine whether or not the person was then under the influence of intoxicants.

(2) Not less than .08 percent by weight of alcohol in a person's blood constitutes being under the influence of intoxicating liquor.

(3) Percent by weight of alcohol in the blood shall be based on grams of alcohol per 100 cubic centimeters of blood.

(4) For purposes of ORS 830.505 to 830.545, "boat" means a motorboat or sailboat. [1991 c.931 §6]

830.515 Evidence of refusal to submit to test in legal proceeding. If a person refuses or fails to submit to chemical tests of the breath, blood or urine as required by ORS 830.505 and 830.520, evidence of the person's refusal or failure to submit is admissible in any criminal or civil action or proceeding arising out of acts alleged to have been committed while the person was operating a boat while under the influence of intoxicating liquor or controlled substances. [1991 c.931 §8]

830.520 Circumstances under which chemical tests may be administered. Nothing in ORS 830.505 is intended to preclude the administration of chemical tests described in this section. A peace officer may obtain a chemical test of the blood to determine the amount of alcohol in any person's blood or a test of the person's blood or a test of the person's blood or urine, or both, to determine the presence of a controlled substance in the person as provided in the following:

(1) If, when requested by a peace officer, the person expressly consents to such a test.

(2) Notwithstanding subsection (1) of this section, from a person without the person's consent if:

(a) The peace officer has probable cause to believe that the person was operating a boat while under the influence of an intoxicating liquor or controlled substance and that evidence of the offense will be found in the person's blood or urine; and

(b) The person is unconscious or otherwise in a condition rendering the person incapable of expressly consenting to the test or tests requested. [1991 c.931 §9]

830.525 Chemical tests obtained by subject. In addition to chemical tests of the breath, blood or urine administered under ORS 830.505 and 830.520, upon the request of a peace officer, a person shall be permitted upon request, at the person's own expense, reasonable opportunity to have any licensed physician, licensed professional nurse or qualified technician, chemist or other qualified person of the person's own choosing administer a chemical test or tests of the person's breath or blood for the purpose of determining the alcoholic content of the person's blood or a chemical test or tests of the person's blood or urine, or both, for the purpose of determining the presence of a controlled substance in the person. The failure

or inability to obtain such a test or tests by a person shall not preclude the admission of evidence relating to a test or tests taken upon the request of a peace officer. [1991 c.931 §10]

830.535 Criteria for chemical analyses.

(1) For the chemical analyses to be valid under ORS 830.505, 830.520 or 830.525:

(a) The chemical analyses of a person's blood shall be performed by an individual shown to be qualified to perform such analyses and shall be performed according to methods approved by the Health Division. For the purposes of this paragraph, the Health Division shall approve methods of performing chemical analyses of a person's blood that are satisfactory for determining alcoholic content.

(b) The chemical analyses of a person's breath shall be performed by an individual possessing a valid permit to perform such analyses issued by the Department of State Police under ORS 813.160 or by the board under the provisions of this section. The chemical analyses shall be performed according to methods approved by the Department of State Police under ORS 813.160 or approved by the board under this section. For purposes of this section, the board shall do all of the following:

(A) Approve methods of performing chemical analyses of a person's breath.

(B) Prepare manuals and conduct courses throughout the state for the training of peace officers in chemical analyses of a person's breath, which courses shall include, but are not limited to, approved methods of chemical analyses, use of approved equipment and interpretation of test results together with a written examination on these subjects.

(C) Test and certify the accuracy of equipment to be used by peace officers for chemical analyses of a person's breath before regular use of such equipment and periodically thereafter at intervals of not more than 90 days. Tests and certification required by this subparagraph shall be conducted by trained technicians.

(D) Ascertain the qualifications and competence of individuals to conduct such analyses in accordance with one or more methods approved by the board or by the Department of State Police under ORS 813.160.

(E) Issue permits to individuals according to their qualifications. Permits shall be issued to peace officers only upon satisfactory completion of the prescribed training course and written examination. A permit shall state the methods and equipment which the peace officer is qualified to use. Permits shall

be subject to termination or revocation at the discretion of the board.

(2) In conducting a chemical test of the blood, only a duly licensed physician or a person acting under the direction or control of a duly licensed physician may withdraw blood or pierce human tissue. A licensed physician, or a qualified person acting under the direction or control of a duly licensed physician, shall not be held civilly liable for withdrawing any bodily substance, in a medically acceptable manner, at the request of a peace officer.

(3) An individual who performs a chemical analysis of breath or blood under ORS 830.505, 830.520 or 830.525 shall prepare and sign a written report of the findings of the test. A test administered at the request of a peace officer shall include the identification of the peace officer upon whose request the test was administered.

(4) Any individual having custody of the report mentioned in subsection (3) of this section shall, upon request of the person tested, furnish a copy of the report to that person or that person's attorney.

(5) The expense of conducting a chemical test as provided by ORS 830.505 or 830.520 shall be paid by the governmental units on whose equipment the test is conducted or by the governmental units upon whose request the test was administered if no governmental unit's equipment is used to conduct the test. [1991 c.931 §11]

830.545 Information about rights and consequences. This section establishes the requirements for information about rights and consequences for purposes of ORS 830.505. The following apply to the information about rights and consequences:

(1) The information about rights and consequences shall be substantially in the form prepared by the board. The board may establish any form it determines appropriate and convenient.

(2) The information about rights and consequences shall be substantially as follows:

(a) Operating a boat under the influence of intoxicants is a crime in Oregon and the person is subject to criminal penalties if the test shows that the person is under the influence of intoxicants. If the person refuses the test or fails, evidence of the refusal or failure may also be offered against the person.

(b) The person fails the test if the test shows the person is under the influence of intoxicants under Oregon law.

(c) If the person is convicted of operating a boat while under the influence of

intoxicants, the person may not operate a boat for a period of time following the conviction.

(d) If the person is convicted of operating a boat while under the influence of intoxicants, the person is not eligible to apply for any certificate of title, registration or numbering and all certificates of title, registration and numbering necessary to lawfully operate a boat on Oregon waters shall be canceled for at least a year. The ineligibility to apply for certificates or the cancellation of the certificates shall be substantially longer if the person refuses the test.

(e) After taking the test, the person shall have a reasonable opportunity, upon request, for an additional chemical test for blood alcohol content to be performed at the person's own expense by a qualified individual of the person's choosing.

(3) Nothing in this section prohibits the board from providing additional information concerning rights and consequences that the board considers appropriate or convenient. [1991 c.931 §12]

830.550 Implied consent to field sobriety tests for intoxicants; refusal to submit; consequences. (1) Any person who operates a boat on any waters of this state shall be deemed to have given consent to submit to field sobriety tests upon the request of a peace officer for the purpose of determining if the person is under the influence of intoxicants if the peace officer reasonably suspects that the person has committed the offense of operating a boat while under the influence of intoxicants in violation of ORS 830.325 or a municipal ordinance. Before the tests are administered, the person requested to take the test shall be informed of the consequences of refusing to take or failing to submit to the tests under ORS 830.545.

(2) If a person refuses or fails to submit to field sobriety tests as required by subsection (1) of this section, evidence of the person's refusal or failure to submit is admissible in any criminal or civil action or proceeding arising out of allegations that the person was operating a boat while under the influence of intoxicants.

(3) Within the time required by the board by rule, the arresting officer shall report the following information to the board:

(a) Whether the person refused to submit to a test.

(b) Whether the person was informed of rights and consequences as described under ORS 830.545.

(4) A report required by this section may be made on one or more forms provided by the board. [1991 c.931 §13]

NUMBERING, TITLES AND LICENSES

(Generally)

830.700 Definitions for ORS 830.060 to 830.145 and 830.700 to 830.870. As used in ORS 830.060 to 830.145, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870, 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, boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

(3) "Boathouse" means a covered structure on floats or piles used for the protected moorage of boats.

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

(5) "Floating home" means a moored structure that is secured to a pier or pilings and is used primarily as a domicile and not as a boat.

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

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

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

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

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

(11) "State of principal use" means the state on whose waters a boat is used or to be used during most of a calendar year.

(12) "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. [Formerly 488.705]

830.705 Exceptions to numbering, title and license requirements. (1) This section, ORS 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 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, except recreational type public vessels.

(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 this section and ORS 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 by the board as provided in ORS 830.110 (9).

(f) A boat already covered by a number in full force and effect which has been issued to it pursuant to federal laws 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 60 consecutive days.

(2) This section and ORS 830.710, 830.770, 830.780, 830.785, 830.795 to 830.805 and 830.830 to 830.870 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 to sailboats which are 12 feet or more in length.

(3) This section, ORS 830.300 and 830.710 to 830.870 do not apply to any vessel for which an ocean charter vessel license has been issued and for which the fee has been paid as provided in ORS 830.440 (2)(b). [Formerly 488.715]

830.710 Report of transfer, abandonment or destruction of boat, boathouse or floating home or change of address of owner. (1) Within 30 days after the transfer of all or any part of the interest of the owner in a boat, boathouse or floating home, or the abandonment or destruction of a boat, boathouse or floating home, 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 30 days after any change in the address of the owner, the owner of a boat, boathouse or floating home for which a valid identifying number has been awarded by this state shall report the change to the board. [Formerly 488.750]

830.715 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 registration 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, boathouse or floating home or its owner. [Formerly 488.810]

830.720 Cancellation of title upon scrapping of boat, boathouse or floating home. (1) An owner who scraps, dismantles or destroys a boat, boathouse or floating home and a person who purchases a boat, boathouse or floating home 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, boathouse or floating home, the board shall maintain a file disclosing the last owner and security interest holders, if any, of the boat, boathouse or floating home as shown by the destroyed certificate of title record. [Formerly 488.774]

830.725 Distribution of lists of owners. The board may publish and distribute to the sheriff, county assessor 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, boathouse or floating home 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. [Formerly 488.815]

830.730 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. [Formerly 488.820]

(Titles; Security Interest)

830.740 Perfection of security interest in boats, boathouses and floating homes covered by certificate of title; applicability of Uniform Commercial Code. (1) Except as provided in subsection (2) of this section, the exclusive means of perfecting a security interest in a boat, boathouse or floating home covered by a certificate of title

is by application for and notation of the security interest on the certificate of title in accordance with the provisions of ORS 830.720, 830.740 to 830.755, 830.785, 830.810, 830.850 and 830.855.

(2) A security interest may not be perfected by notation of the security interest on the certificate of title if the debtor who granted the security interest is in the business of selling boats, boathouses or floating homes, and the boat, boathouse or floating home constitutes inventory held for sale. The filing provisions of ORS 79.4010 to 79.4070 shall apply to security interests in such boats, boathouses or floating homes.

(3) The rights and remedies of all persons in boats, boathouses and floating homes covered by this section shall be determined by the provisions of the Uniform Commercial Code. [Formerly 488.763]

830.745 Notation on title of creation, satisfaction or assignment of security interest; fee. (1) In the event of the creation of a security interest in a boat, boathouse or floating home 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 the name of the owner 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, upon payment of the required fee, shall 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, boathouse or floating home for which a certificate of title has been issued, the security interest holder affected, if the holder 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, the holder shall execute a release of 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 payment of the required fee, 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 interest in a boat, boathouse or floating home 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 board of the certificate with the signature of the assignor releasing interest together with the required fee. [Formerly 488.766]

830.750 Transfer of title subject to security interest; dealer transferees; fee. (1) If an owner transfers interest in a boat, boathouse or floating home for which an Oregon certificate of title has been issued, other than by the creation of a security interest as provided by ORS 830.745, the owner 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 accompanied by the required fee to the board, whereupon a new certificate of number or registration 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, boathouse or floating home 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 the dealer transfers the boat, boathouse or floating home. However, the dealer shall notify immediately the board that the boat, boathouse or floating home has been transferred to the dealer. Upon the transfer of the boat, boathouse or floating home by the dealer, the dealer shall deliver to the transferee the assigned certificate of title received by the dealer. The transferee, unless a dealer purchasing the boat, boathouse or floating home 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 or registration and a new certificate of title in the manner provided in subsection (1) of this section. [Formerly 488.768]

830.755 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, boathouse or floating home 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, boathouse or floating home by the representative or successor, 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 the required fee, the board shall issue a new certificate of title and a certificate of number or registration. If a boat, boathouse or floating home 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, boathouse or floating home, by registered mail or by certified mail with return receipt at the last-known post-office address of the owner the security interest holder's 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. [Formerly 488.772; 1991 c.249 §74]

(Boats)

830.770 Certificate of number required on boat; exceptions. No person shall operate a boat on the waters of this state and no owner of a boat shall knowingly allow another to operate the owner's boat on the waters of this state unless:

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

(a) By this state, as provided in ORS 830.060 to 830.145 and 830.700 to 830.870; or

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

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

(2) The certificate of number is carried on the boat, except as provided in subsection (3) of this section.

(3) Persons renting a boat from a livery are not required to carry the certificate of number on the boat, provided:

(a) The livery owner retains the certificate of number at the livery office for immediate inspection by a peace officer;

(b) The boat is clearly marked and identified as a livery boat; and

(c) The boat operator has a signed rental or lease agreement containing the boat's identifying number and the period of time for which the boat is rented or leased. [Formerly 488.720]

830.775 Operation of certain boats without certificates of registration. (1)

Notwithstanding the provisions of ORS 830.705, 830.710, 830.770, 830.780 to 830.805 and 830.830 to 830.870, 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 the name of the owner 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 ORS 830.790 (1) to (3). [Formerly 488.823]

830.780 Identifying number on forward half 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 forward half 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 830.805, 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 forward half 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 forward half of the boat. [Formerly 488.725]

830.785 Application for boat number. Subject to the provisions of ORS 830.830, 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. [Formerly 488.730]

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

(a) Motorboats less than 12 feet in length, \$11.

(b) Motorboats and sailboats 12 feet in length or more but less than 16 feet, \$17.

(c) Motorboats and sailboats 16 feet in length or more but less than 20 feet, \$21.

(d) Motorboats and sailboats 20 feet or more in length, \$21, plus \$2 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, \$6.

(f) Amphibious vehicles that are licensed by the Motor Vehicles Division of the Department of Transportation, \$6.

(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 sec-

tion, the fees provided by this section are in lieu of any other tax or license fee.

(3) The operator of a boat livery holding five or more boats ready for hire may pay a biennial certificate of number fee of \$55 plus \$6 for each boat instead of the fee otherwise provided in this section. [Formerly 488.732]

830.795 Issuance of certificate of number and validation stickers; stickers placed on boats. (1) Subject to the provisions of ORS 830.800, 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 validation stickers bearing the year through which the certificate of number is issued. The stickers shall be placed three inches to the rear of the identifying number placed on the boat as required by ORS 830.780. [Formerly 488.735]

830.800 Expiration of certificate of number; renewal of certificate and stickers. (1) A certificate of number expires on December 31 of the year indicated on the certificate.

(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 830.785. The application shall be accompanied by the fee prescribed by ORS 830.790. The board shall renew certificates of number and issue validation stickers in the same manner as provided in ORS 830.795. [Formerly 488.740]

830.805 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 60-day reciprocity period provided in ORS 830.705 (1)(f). Such application shall be in a manner pursuant to the procedure required for the issuance of a number in ORS 830.785. [Formerly 488.755]

830.810 Certificate of title; exceptions; fee; penalty fee. (1) Except as otherwise provided in this subsection, no person shall operate a boat for which an identifying num-

ber is required under ORS 830.705, 830.710, 830.770, 830.780 to 830.805 and 830.830 to 830.870, unless the owner has secured from the board a certificate of title for the boat. This subsection does not apply to operation of:

(a) Amphibious vehicles that have a valid title issued by the Motor Vehicles Division of the Department of Transportation.

(b) A boat for which an identifying number issued under ORS 830.830 is required.

(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) The board shall establish, by rule, the fee for title issuance, duplication of title, duplication of certificate of number or registration and duplication of validation stickers. In no event shall any particular fee exceed \$7.

(4) The board also shall establish, by rule, penalty fees for late application for certificates required by this section or ORS 830.710. In no event shall a penalty fee exceed \$50.

(5) Rules adopted pursuant to this section shall be in accordance with the provisions of ORS 183.310 to 183.550. [Formerly 488.762]

830.815 Refusal to issue or cancellation of certificate. (1) The board may refuse to issue a certificate of title or a certificate of number or registration if the board determines at any time that an applicant for the certificate has:

(a) Given a false statement or false information in applying for the certificate;

(b) Otherwise failed to comply with the applicable provisions under ORS 830.060 to 830.145 and 830.700 to 830.870 pertaining to application for certificates; or

(c) Been convicted of operating a boat while under the influence of an intoxicating liquor or controlled substance within one year of the date of application or within three years of the date of application if the record of conviction shows that the person willfully refused the request of a peace officer to submit to chemical testing of the breath or a field sobriety test pursuant to ORS 830.505 and 830.550.

(2) After a hearing upon 10 days' notice, the board may cancel a certificate of title or certificate of number or registration if the board determines at any time that an owner, boat manufacturer or dealer named in the certificate:

(a) Gave a false statement or false information in applying for the certificate; or

(b) Otherwise failed to comply with the applicable provisions under ORS 830.060 to 830.145, 830.700 to 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870 pertaining to applications for certificates.

(3) The board shall automatically suspend the certificate of number for any boat if the board receives notification of a conviction for violation of ORS 830.260 under ORS 830.270. The suspension under this subsection is not subject to hearing. The board shall reinstate a certificate of number suspended under this subsection when the boat owner submits proof satisfactory to the board that the boat has been approved by a person designated by the board as meeting the standards for sound levels established by the board.

(4) If the board receives notification from any court in this state that any person who is charged with a boating offense or infraction and who is the registered owner of the boat has failed to appear as required by law or has failed to comply with the judgment of the sentencing court, the board shall take the following actions:

(a) Notify, by certified mail, the registered owner of the boat involved in the offense or infraction of the owner's failure to appear or comply with the judgment of the court. The notification shall include a copy of the citation issued to the owner and will inform the owner that the board will suspend the certificate of number for the boat 45 days from the date of the mailing of the notice by the board. The notice shall include a statement that a hearing may be requested in writing within 10 days of the notice. Any hearing requested under this subsection shall be limited to the issue of whether the person is the person who failed to appear or comply with the judgment of the sentencing court.

(b) The board shall suspend the certificate of number for the boat involved 45 days after mailing notice of intent to suspend to the owner of the boat unless a hearing has been requested or, within the 45-day notice period, the board receives notice from the court that the owner has appeared in court and is in compliance with any court order entered in the proceeding. Notice from the court may consist of a copy of any receipt or other document issued by the court indicating that the person has appeared and is in compliance with any court order.

(c) Upon suspending any certificate of number under this subsection, the board may charge the owner a reinstatement fee sufficient to cover the actual expenses of the

board in processing the transactions described in this section. The board shall reinstate any certificate of number suspended under this subsection upon receiving payment of any reinstatement fee and notice from the court that the owner has appeared and fully satisfied the judgment of the court.

(5) Conviction of operating a boat while under the influence of an intoxicating liquor or controlled substance under ORS 830.325 constitutes grounds for cancellation of a person's certificate of title or certificate of number or registration for all boats owned by the person. The following provisions apply to such suspension:

(a) Upon receipt of a record of conviction for a violation of ORS 830.325, the board shall notify the convicted person that all certificates of title or certificates of number or registration issued in the person's name are suspended. The notice shall include a statement that a hearing may be requested in writing within 10 days of the notice. Any hearing requested under this subsection shall be limited to the issue of whether the person is the person convicted.

(b) The cancellation shall be for three years from the date of the notice if the record of conviction shows that the person willfully refused the request of a peace officer to submit to chemical testing of the breath or a field sobriety test under ORS 830.505 and 830.550. Otherwise the period of cancellation shall be for one year from the date of the notice. [Formerly 488.780; 1991 c.931 §3]

830.820 Duplicate certificates or validation stickers; fee. The board may issue a duplicate certificate of number or registration, or title, or a duplicate set of validation stickers upon application by the person entitled to hold a certificate or to be in possession of the validation stickers if the board is satisfied that the original certificate or validation stickers have been lost, destroyed or mutilated. The board shall charge a fee, as adopted by rule, for issuing a duplicate certificate or a duplicate set of validation stickers. [Formerly 488.805]

830.825 Hull identification 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 identification number. Hull identification numbers must be carved, burned, stamped, embossed, clearly imprinted or otherwise permanently affixed to the outboard side of the transom, or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that al-

teration, removal or replacement would be obvious or evident. No person, firm, association or corporation shall destroy, remove, alter, cover or deface the manufacturer's identification number. [Formerly 488.778]

830.830 Dealer or boat manufacturer number. (1) A dealer or boat manufacturer:

(a) May apply to the board for one or more identifying numbers issued under this section.

(b) Shall display an identifying number issued under this section on a boat while operating or using the boat for a purpose related to the testing, buying, selling or exchanging of the boat.

(2) The application for a number under this section shall include the name and the business address of the dealer or boat manufacturer. Any number of identifying numbers may be requested in the same application.

(3) An application for a number under this section shall be accompanied by the following fees:

(a) For the first number applied for, \$28.

(b) For each additional number applied for in any application and all renewals, \$6.

(4) The board shall issue a certificate of number or registration for each identifying number awarded under this section in the same manner as provided in ORS 830.795. Numbers and certificates issued under this section are subject to the following:

(a) An identifying number is valid for not more than two years.

(b) No boat shall be described in the certificate and each certificate shall state that the identifying number has been awarded to a dealer or boat manufacturer.

(c) A certificate of number issued under this section expires on December 31 of the year indicated on the certificate.

(5) The provisions of ORS 830.800 (2) and (4) apply to a certificate of number issued under this section.

(6) An identifying number issued under this section shall be displayed on a boat of a dealer or boat manufacturer in the same manner as provided in ORS 830.780 (2), except that the number may be temporarily attached.

(7) No person other than a dealer or boat manufacturer or a representative of a dealer or boat manufacturer shall display or use an identifying number issued under this section.

(8) No person shall use an identifying number issued under this section for any purpose other than the purpose described in subsection (1) of this section. [Formerly 488.760]

(Floating Homes; Boathouses)

830.850 Identifying number plate required on floating homes and boathouses; certificate of title required; fee. (1) No person shall use a floating home or boathouse on the waters of this state unless there is affixed to the floating home or boathouse in plain sight an identifying plate with a unique number awarded to the floating home or boathouse by this state.

(2) No person shall use a floating home or boathouse for which an identifying plate is required unless the owner has secured from the board a certificate of title for the floating home or boathouse. A certificate of title is prima facie evidence of the ownership of the floating home or boathouse or a security interest therein. A certificate of title is good for the life of the floating home or boathouse so long as the certificate is owned or held by the legal holder of the certificate. The board shall charge a fee of \$20 for issuing each certificate of title. [Formerly 488.718]

830.855 Application for floating home or boathouse identifying plate; fee; issuance of certificate of title. (1) The owner of a floating home or boathouse that is used principally on the waters of this state shall apply to the board for an identifying plate. The application shall include the true name of the owner, the residence or business address of the owner, a description of the floating home or boathouse, the location of the floating home or boathouse and any other information required by the board. The application shall be signed by the owner and be accompanied by a fee of \$20.

(2) Subject to ORS 830.860, if the application is in order, the board shall issue to the owner a certificate of title. The title shall contain the name and address of the owner, a description of the floating home or boathouse, the issue date, the location of the floating home or boathouse and a statement that the title is valid and effective only so long as ownership and location remain the same. [Formerly 488.726]

830.860 Validity of certificate of title; new certificates; fee. (1) A certificate of title for a floating home or boathouse is valid and effective only as long as ownership and location remain the same.

(2) The board shall require the surrender of the certificate of title before issuing a new certificate of title.

(3) The identifying plate issued by the board shall remain the same when a new certificate of title is issued.

(4) Application for a new certificate of title shall be made in the manner provided in ORS 830.855. The application shall be ac-

companied by a fee of \$20. The board shall issue the new certificate of title in the manner provided in ORS 830.855. [Formerly 488.727]

830.865 Rules. In accordance with ORS 183.310 to 183.550, the board shall adopt rules necessary to carry out the provisions of ORS 830.850 to 830.860. [Formerly 488.728]

830.870 Duplicate certificate; fee. Upon receipt of proof satisfactory to the board from the holder of a certificate issued pursuant to ORS 830.850 to 830.860 that the certificate has been lost, mutilated, destroyed or stolen, the board shall issue to the holder a duplicate certificate for a fee of \$20. [Formerly 488.720]

**DISPOSITION OF BOATS AND
EQUIPMENT FROM WHICH
IDENTIFICATION NUMBER REMOVED**

830.875 Definitions for ORS 830.880 to 830.895. As used in ORS 830.880 to 830.895:

(1) "Component" means any severable portion of a boat that possesses or did possess an identification number.

(2) "Identification number" means a distinguishing number assigned to a boat or component by the manufacturer, the board or a police agency. [Formerly 488.900]

830.880 Seizure of boats and equipment from which identification number has been removed; inspection of property; check for stolen boats; renumbering. (1) When a police officer discovers a boat or component from which the identification number assigned to the boat or component has been removed, defaced, covered, altered or destroyed the police officer may seize and hold it for identification and disposal as provided in ORS 830.880 to 830.895.

(2) The police agency having custody of the property shall have a specially qualified inspector or police officer inspect the property for the purpose of locating the identification number. If the identification number is found it shall be checked with the list of stolen boats maintained by the National Crime Information Center. If the identification number is not found the police agency shall apply to the board for renumbering as provided in ORS 830.895. [Formerly 488.905]

830.885 Return of seized property; investigation to determine ownership; notice to owner. (1) When the property seized under ORS 830.880 is not listed as stolen by the National Crime Information Center and the identification number is established the property shall be returned to the person from whom it was seized if:

(a) The person can establish that the person is the owner of the property; or

(b) The person executes a good and valid surety bond in an amount at least equal to the market value of the property and conditioned upon return of the property to the owner, if one can be established. The bond will be for a period of time determined by the board.

(2) If the person to whom the property was returned does not establish that the person is the owner of the property the police agency holding the property shall make reasonable efforts to determine the names and addresses of the owner and all persons of record having an interest in the property. If the police agency is able to determine the names and addresses of the owner and such other persons it shall immediately notify the owner by registered or certified mail of the disposition of the property. [Formerly 488.910]

830.890 Public notice to persons having interest in seized property; court action; sale of property at public auction; disposition of proceeds. (1) If the identification number of property seized pursuant to ORS 830.880 is not established or if the property is reported as stolen by the National Crime Information Center the police agency having custody of the property shall, after making reasonable efforts to ascertain the names and addresses of the owner and all persons of record having an interest in the property, notify the person from whom the property was seized, and the owner and such other persons if they can be ascertained, of their right to respond within 60 days from the issuance of the notice through court action for the return of the seized property. The taking of the property, the description thereof and a statement of the rights of an owner or other persons of record having an interest in the property to respond through court action for the return of the seized property shall be advertised in a daily newspaper published in the city or county where the property was seized, or if a daily newspaper is not published in such city or county, in a newspaper having weekly circulation in the city or county, once a week for two consecutive weeks and by handbills posted in three public places near the place of seizure.

(2) If court action is not initiated within 60 days from the issuance of notice the property shall be sold at public auction by the sheriff or other local police agency having custody of the property. Property seized and held by or at the direction of the Department of State Police under ORS 830.880 shall be delivered to the sheriff of the county in which the vehicle was located at the time it was taken into custody for sale under this subsection. The sheriff or other local police agency shall, after deducting the expense of

keeping the property and the cost of sale, pay all the security interests, according to their priorities which are established by intervention or otherwise at such hearing or in other proceeding brought for that purpose, and shall pay the balance of the proceeds into the general fund of the unit of government employing the officers of the selling police agency. [Formerly 488.915]

830.895 Renumbering; inspection requirement. (1) A police agency having custody of a boat or component for which an identification number is not established or a person to whom a boat or component has been returned pursuant to ORS 830.885 shall apply to the board for an identification number.

(2) Except as provided in subsection (1) of this section the board shall not assign an identification number to a boat or component from which the identification number assigned to the boat or component by the board has been removed, defaced, covered, altered or destroyed unless the boat or component has been inspected pursuant to ORS 830.880. [Formerly 488.920]

ABANDONED BOATS, FLOATING HOMES, BOATHOUSES

830.905 Abandoned boats, floating homes and boathouses; disposition by sheriff. (1) Any boat, floating home or boathouse left on the waters of this state, except at an established or attended moorage, or in any area leased for occupation by the Division of State Lands under ORS chapter 274, for a period in excess of three months shall be considered abandoned. No person may abandon a boat, floating home or boathouse upon public or private property. If a sheriff finds a boat, floating home or boathouse which appears to have been abandoned upon the waters of this state, the sheriff shall proceed as provided in subsection (2) of this section. If a sheriff finds a boat, floating home or boathouse which appears to have been abandoned on public or private property the sheriff shall proceed as provided in subsection (2) of this section. If any other peace officer finds such a boat, floating home or boathouse, the peace officer shall notify the sheriff of the county in which the boat, floating home or boathouse was found of the place where the boat, floating home or boathouse was located and of any available information as to the ownership of the boat, floating home or boathouse.

(2) Upon being notified of, or upon finding, a boat, floating home or boathouse which appears to have been abandoned, the sheriff shall make reasonable efforts to ascertain the names and addresses of the own-

ers, security interest holders or persons entitled to possession of the boat, floating home or boathouse. 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, floating home or boathouse by presentation of satisfactory proof of ownership or right of possession, or the boat, floating home or boathouse will be taken into custody and sold or otherwise disposed of as provided by ORS 830.920. If the boat, floating home or boathouse has an identifying number, notice is considered given when a registered or certified letter addressed to the owner of the boat, floating home or boathouse, 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, floating home or boathouse is sold or otherwise disposed of as provided by ORS 830.920.

(3) As used in this section:

(a) "Boathouse" has the meaning given in ORS 830.700.

(b) "Established or attended moorage" means a place where a boat, floating home or boathouse is attached to a pier, piling or marina in such a way as to be secure.

(c) "Floating home" has the meaning given in ORS 830.700. [Formerly 488.650]

830.910 Taking abandoned boat, floating home or boathouse into custody. If the owner, security interest holder or person entitled to possession does not claim the boat, floating home or boathouse within 30 days after the date notice is mailed as provided by ORS 830.905, the boat, floating home or boathouse 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, floating home or boathouse. The sheriff may utilize the personnel, equipment and facilities of the sheriff for the removal and preservation of such boat, floating home or boathouse, or may hire other personnel, equipment and facilities for that purpose. [Formerly 488.655]

830.915 Owner reclaiming. The owner, security interest holder or person entitled to possession of a boat, floating home or boathouse taken into custody and held by the sheriff under ORS 830.910, may reclaim the boat, floating home or boathouse at any time after it is taken into custody and before it is sold or disposed of under ORS 830.920, 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, floating home or boathouse. However, the owner, security interest holder or person entitled to possession of the boat, floating home or boathouse shall not be liable for nor required to pay storage charges for a period in excess of 90 days. [Formerly 488.660]

830.920 Sale if not reclaimed; other disposition; right of former owner. If a boat, floating home or boathouse is not reclaimed under ORS 830.915 within 90 days after it is taken into custody, the sheriff of the county in which the boat, floating home or boathouse was located at the time it was taken into custody under ORS 830.910 shall sell the boat, floating home or boathouse at public auction in the manner provided in ORS 23.450 to 23.480. If a bid for the boat, floating home or boathouse is not offered at the public auction, the sheriff may destroy or otherwise dispose of the boat, floating home or boathouse. After any boat, floating home or boathouse 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, floating home or boathouse itself. [Formerly 488.665]

830.925 Certificate of sale; issuance of certificate of number. When any boat, floating home or boathouse is sold under ORS 830.920, 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, floating home or boathouse and a stipulation that no warranty is made as to the condition or title of the boat, floating home or boathouse. 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, floating home or boathouse. [Formerly 488.670]

830.930 Transmitting return of sale and balance of proceeds. (1) When a boat, floating home or boathouse is sold under ORS 830.920, the sheriff selling the boat, floating home or boathouse shall transmit to the State Marine Board and to the county treasurer a return of sale setting forth a description of the boat, floating home or boathouse, the purchase price, the name and address of the purchaser, the costs incurred in the sale and the costs and expenses in-

curred in the removal, preservation and custody of the boat, floating home or boathouse.

(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, floating home or boathouse. 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 the office of the county treasurer. [Formerly 488.675]

830.935 Claim by former owner to balance of proceeds. At any time within one year after the sale of a boat, floating home or boathouse under ORS 830.920, the former owner of the boat, floating home or boathouse may recover the proceeds transmitted by the sheriff to the county treasurer under ORS 830.930 by filing a claim with the county treasurer. The claim shall be audited and paid as are other claims against the county. [Formerly 488.680]

SUBMERSIBLE POLYSTYRENE

830.950 Definitions. As used in ORS 830.955:

(1) "Encapsulated" means a protective covering or physical barrier between the polystyrene device and the water.

(2) "Submersible polystyrene device" means any molded or expanded type of polystyrene foam used for flotation. [1991 c.759 §2]

830.955 Prohibition of installation of submersible polystyrene device. (1) No person shall install a submersible polystyrene device on a dock, buoy or float unless the device is encapsulated by a protective covering or is designed to prevent the polystyrene from disintegrating into the waters of this state.

(2) A person may repair and maintain a dock or float existing on September 29, 1991, with an expanded submersible polystyrene device in accordance with rules adopted by the board under ORS 830.110.

(3) The board shall publish and distribute information to the public regarding the proper use and installation of submersible polystyrene devices. [1991 c.759 §§3, 4, 5]

PENALTIES

830.990 Penalties. (1) A person who violates one of the following provisions of this chapter commits a Class B boating infraction: ORS 830.050, 830.110, 830.175, 830.180, 830.185, 830.195, 830.210, 830.215, 830.220,

830.225, 830.230, 830.235, 830.240, 830.245, 830.250, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350, 830.355, 830.360, 830.365, 830.370, 830.375, 830.410, 830.415, 830.420, 830.475 (3), 830.480, 830.495, 840.710, 830.720, 830.770, 830.775, 830.780, 830.785, 830.795, 830.805, 830.810, 830.825, 830.830, 830.850, 830.855 and 830.905.

(2) A person who violates the following provision of this chapter commits a Class A infraction: ORS 830.305.

(3) A person who violates one of the following provisions of this chapter commits a Class A misdemeanor: ORS 830.035 (2), 830.315 (1), 830.325, 830.475 (1) and (2), 830.730 and 830.955 (1). [Formerly 488.991; 1991 c.759 §7]

830.992 Penalty for purchase of boat or equipment from which identification number removed. Any person who knowingly buys, receives, disposes of, sells, offers for sale or possesses any boat or component from which the identification number assigned to the boat or component has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the boat or component commits a Class A misdemeanor. [Formerly 488.993]

830.994 Additional penalties for violation of ORS 830.325. (1) When a person is convicted of a violation of any provision of ORS 830.325, the court shall comply with the following in addition to any other penalty imposed upon the person under ORS 830.990 (3):

(a) Order the person not to operate a boat for a period of one year;

(b) Order the person to complete a boating safety course approved by the board; and

(c) Include in the record of conviction a finding whether the person willfully refused the request of a peace officer to submit to chemical testing of the breath or a field sobriety test pursuant to ORS 830.505 and 830.550. For purposes of this subsection, a person shall be found to have willfully refused the request if the person was informed about rights and consequences concerning the test under ORS 830.505 and 830.545 and refused to submit to the test.

(2) The record of conviction of each person convicted of violating ORS 830.325 shall be sent by the court to the board within 14 days of the entry of the judgment of conviction in the court register. [1991 c.931 §14]

830.995 Penalty 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 ORS 830.010, willfully certifies falsely to the

matters set forth therein commits a Class A misdemeanor. [Formerly 488.995]

830.997 Penalty for ocean charter vessel violations. (1) Failure to comply with ORS 830.435, 830.440 or 830.460 (1) is a Class B misdemeanor.

(2) Failure to comply with ORS 830.450 is a Class A boating infraction.

(3) Failure to comply with ORS 830.460 (2) is a Class A misdemeanor.

(4) Failure to comply with ORS 830.460 (3) is a Class A misdemeanor. [1989 c.885 §7]

CHAPTERS 831 to 834

[Reserved for expansion]