

House Bill 4099

Sponsored by Representatives VIAL, POWER; Representatives HELM, KENNEMER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person from operating motorboat with wake-enhancing device between river mile 30 and river mile 50 on Willamette River. Requires person to operate wakeboard boat at slow, no-wake speed between river mile 30 and river mile 50 on Willamette River.

Punishes by maximum of \$2,000 fine. Punishes third or subsequent offense within three years by maximum of 30 days' imprisonment, \$5,000 fine, or both, and requires court to order person to not operate boat for two years and to complete boating safety course.

A BILL FOR AN ACT

1
2 Relating to motorboats; creating new provisions; and amending ORS 830.990.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 4 of this 2018 Act are added to and made a part of ORS**
5 **chapter 830.**

6 **SECTION 2. (1) A person operating a motorboat on the Willamette River between river**
7 **mile 50 and river mile 30 may not use a wake-enhancing device.**

8 **(2) A person operating a wakeboard boat within 200 feet of a dock, boathouse or moorage**
9 **on the Willamette River between river mile 50 and river mile 30 shall operate the wakeboard**
10 **boat at a slow, no-wake speed, as defined by the State Marine Board by rule.**

11 **(3) For the purposes of this section, "wake-enhancing device" includes ballast tanks,**
12 **ballast bags, surf gates, wakesurf shapers, wedges, hydrofoils, other mechanical devices that**
13 **enhance the size of a motorboat's wake or the placement of people or things to enhance the**
14 **size of a motorboat's wake.**

15 **SECTION 3. ORS 830.990 is amended to read:**

16 830.990. (1)(a) Violation of ORS 830.565 by a person operating a manually propelled boat is a
17 Class D violation. Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565
18 by a person operating a manually propelled boat is \$30.

19 (b) Violation of ORS 830.565 by a person operating a motorboat is a Class D violation.
20 Notwithstanding ORS 153.019, the presumptive fine for a violation of ORS 830.565 by a person op-
21 erating a motorboat is \$50.

22 (2) A person who violates ORS 830.050, 830.088, 830.090, 830.092, 830.094, 830.230, 830.415,
23 830.710, 830.720, 830.770, 830.780, 830.810, 830.850 or 830.855, or rules adopted to carry out the pur-
24 poses of those statutes, commits a Class D violation.

25 (3) A person who violates ORS 830.220, 830.240, 830.245, 830.250, 830.375, 830.475 (4), 830.480,
26 830.785, 830.805 or 830.825, or rules adopted to carry out the purposes of those statutes, commits a
27 Class C violation.

28 (4) A person who violates ORS 830.110, 830.175, 830.180, 830.185, 830.187, 830.195, 830.210,
29 830.215, 830.225, 830.235, 830.260, 830.300, 830.315 (2) and (3), 830.335, 830.340, 830.345, 830.350,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 830.355, 830.360, 830.362, 830.365, 830.370, 830.410, 830.420, 830.495, 830.560, 830.775, 830.795 or
2 830.830, or rules adopted to carry out the purposes of those statutes, commits a Class B violation.

3 (5) A person who violates ORS 830.305, [or] 830.390 or **830.944 or section 2 of this 2018 Act**,
4 or rules adopted to carry out the purposes of those statutes, commits a Class A violation.

5 **(6) Notwithstanding subsection (5) of this section, a person who violates section 2 of this**
6 **2018 Act and has two or more prior convictions for violation of section 2 of this 2018 Act that**
7 **were entered within the previous three years commits a Class C misdemeanor.**
8 **Notwithstanding ORS 161.635, the minimum fine the court may impose under this subsection**
9 **is \$2,000 and the maximum fine is \$5,000.**

10 [(6)] (7) A person who violates ORS 830.383 commits a Class B misdemeanor.

11 [(7)] (8) A person who violates ORS 830.035 (2), 830.053, 830.315 (1), 830.325, 830.475 (1), 830.730
12 or 830.955 (1) commits a Class A misdemeanor.

13 [(8)] (9) A person who violates ORS 830.475 (2) commits a Class C felony.

14 [(9) *A person who violates ORS 830.944 commits a Class A violation.*]

15 **SECTION 4. When a person is convicted of a violation of section 2 of this 2018 Act and**
16 **a penalty is imposed under ORS 830.990 (6), the court shall, in addition to the penalty imposed**
17 **under ORS 830.990 (6):**

18 (1) **Order the person not to operate a boat for a period of two years after the date of**
19 **conviction; and**

20 (2) **Order the person to complete a boating safety course approved by the State Marine**
21 **Board.**

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