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CHAPTER 250
OREGON STATE MARINE BOARD

FILING CAPTION: Develops towed watersports education program and associated endorsements per the Oregon Legislature in HB 2352.

EFFECTIVE DATE: 01/01/2020

AGENCY APPROVED DATE: 10/24/2019

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RULES:
250-018-0010, 250-018-0200, 250-018-0205, 250-018-0210

AMEND: 250-018-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 08/22/2019

RULE SUMMARY: Provides definitions for motorboat loading weight and maximum loading weight as required by 2019 HB 2352.

RULE TEXT:
As used in this Division the following definitions apply:
(1) "Approved Course Provider" is any individual or organization who instructs or provides a National Association of State Boating Law Administrators (NASBLA) approved boating safety classroom, equivalency exam, or internet course and who has been approved by the Oregon State Marine Board.
(2) "Boating Safety Education Card" is the card required by ORS 830.086 and 830.094. This card, issued by the Marine Board, certifies that the person named on the card has passed a boating safety education course and examination and is authorized to operate a boat in Oregon under ORS 830.082 to 830.096.
(3) "Boating Safety Education Course" is any NASBLA approved course of instruction that is offered by an approved course provider and concludes with an examination containing at least 50 questions including a minimum of 10 specific questions about Oregon boating laws.
(4) "Correspondence Course and Self-Test" means a boating safety education course and examination provided by the Marine Board that is taken at home without a proctor. This correspondence course and self-test will satisfy minimum standard of boating safety education completion only for those individuals who have qualified for hardship status.
(5) "Direct Supervision" occurs when a person maintains close visual and verbal contact with, provides adequate direction to, and can immediately assume control of a motorboat from the operator of a motorboat. A person who is water skiing, or is in the cabin of a boat is not considered to be in direct supervision.
(6) "Equivalency Exam" is a comprehensive written examination created by the Marine Board containing at least 75 questions including a minimum of 15 specific questions about Oregon boating laws. The equivalency exam is intended to

provide experienced boat operators the opportunity to meet the minimum standard of boating safety education without having to take a boating safety course.
(7) "Hardship" means a situation or condition that prevents an individual from attending a boating safety course or taking an equivalency exam in person within a reasonable amount of time or within reasonably close proximity to the individual's place of residence. The situation or condition must also keep the individual from taking an approved Internet course. A hardship situation may allow an individual to utilize a correspondence course and self-test provided by the Marine Board to meet the minimum standard of boating safety education. An individual must submit a written request for hardship status. The Marine Board director or his designee has the authority to grant or deny hardship status.
(8) "Internet Course" is any NASBLA-approved boating safety education course of instruction that is offered through the internet by an approved course provider and concludes with an examination containing at least 75 questions including a minimum of 15 specific questions about Oregon boating laws.
(9) “Maximum loading weight” is 10,000 pounds.
(10) "Minimum Standard of Boating Safety Education" means a standard of proficiency established by the Marine Board based on the standards set by NASBLA that determine whether an applicant for a boater education card has met or exceeded the requirements of a boating safety education course, equivalency exam, internet course, or correspondence course and self-test.
(11) “Motorboat loading weight” is the sum of the boat’s dry weight and the boat’s factory ballast capacity.
(12) "Proctor" is an individual who is a member of the U. S. Coast Guard Auxiliary, U.S. Power Squadron, Marine Patrol, or other public safety organization or whose organization has been approved by the Marine Board to administer an equivalency exam. A "proctor" may also be a public official such as a librarian or community college instructor who has been approved by the Marine Board to administer an equivalency exam.
(13) "Proof of Completion" is a document verifying that an individual has achieved the minimum standard for boating safety education competency as determined by the Marine Board.
(14) "Temporary Boating Safety Education Card" is a document issued by the Marine Board or an approved course provider allowing the bearer to operate a motorboat in Oregon for a period of time not to exceed 30 days.
(15) “Towed watersports education certificate” is a certificate of completion from a Marine Board-approved course provider offering towed watersports education.
(16) “Towed Watersports Education Card” is the endorsement issued by the Marine Board that certifies that the person named on the card has established proof of competency and is authorized to engage in wakeboarding or wake surfing as defined in 250-010-0010 on the Willamette River between river miles 30 and 50.
(17) “Towed watersports boat decals” are the set of two decals issued by the Marine Board to boaters meeting application requirements that must be displayed on a boat engaged in wakeboarding or wake surfing as defined in 250-010-0010 on the Willamette River between river miles 30 and 50.
(18) "Watercraft Rental Safety Checklist" is a document provided by the Marine Board that consists of selected facts about Oregon boating laws that a rental or livery agent is required to present to renters/operators of motorboats and must be read and checked by the renter or operator of the motorboat before a motorboat can be rented and operated.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: ORS 830.082 - ORS 830.096

ADOPT: 250-018-0200

RULE TITLE: Towed Watersports Program Fees

NOTICE FILED DATE: 08/22/2019

RULE SUMMARY: Sets fees for the newly implemented Towed Watersports Education Program

RULE TEXT:

(1) The following fees apply to the towed watersports program:

(a) The initial fee for the Towed Watersports Education Card and first set of towed watersports boat decals is $60.

(b) The biennial renewal fee for Towed Watersports Education Cards and first set of towed watersports boat decals is $60.

(c) The replacement fee for the card or set of decals is $15.

(d) The fee for each additional set of decals is $15 per boat.

(2) Fees paid to the Marine Board or agent of the Marine Board for Towed Watersports Education Cards and towed watersports boat decals, replacements, or renewals are non-refundable.

(3) A Marine Board-approved course provider may charge a fee not to exceed $80 to recover costs associated with providing a towed watersports education course or equivalency exam.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: 2019 HB 2352

ADOPT: 250-018-0205

RULE TITLE: Towed Watersports Education Requirements

NOTICE FILED DATE: 08/22/2019

RULE SUMMARY: Sets education requirements for the newly implemented Towed Watersports Education Program.

RULE TEXT:

(1) A person required to possess a Towed Watersports Education Card must meet the following standards for towed watersports education:

(a) Successful completion of a towed watersports education course and a score of at least 70 percent on a test associated with a Marine Board-approved internet course; or

(b) A score of at least 70 percent on a proctored equivalency exam. Individuals may take the equivalency exam no more than once in a 14-day period.

(2) Suitable evidence of achieving the standard for towed watersports education must contain the name of the individual applying for the Towed Watersports Education Cards and towed watersports boat decals, the date of the course completion, and the exam score.

(3) Towed watersports education cards earned from another state will not meet Marine Board standards.

(4) A person who is required to possess a Towed Watersports Education Card may use a towed watersports education certificate earned from a Marine Board-approved online course as a temporary education card and may operate a boat for no more than 30 days from date of issue provided the original education certificate is on board.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: 2019 HB 2352

ADOPT: 250-018-0210

RULE TITLE: Towed Watersports Education Card and Boat Decals

NOTICE FILED DATE: 08/22/2019

RULE SUMMARY: Provides information on how Towed Watersports Education Cards and towed watersports boat decals may be attained and how they shall be displayed

RULE TEXT:

(1) To obtain towed watersports education card and boat decals, a person must provide to the Marine Board:

(a) A completed application on a form provided by the Marine Board that includes the following information:

(A) Boating Safety Education Card number

(B) Boating Safety Education Card state of issue

(C) Boating Safety Education Card date of issue

(D) Boat registration number(s)

(E) Current boat registration expiration date

(F) Proof of ownership of boat(s)

(b) A copy of a towed watersports education certificate. The Marine Board may require the applicant to provide the original document if the copy accompanying the application is illegible or the authenticity of the copy is not certain; and

(c) The fees for a Towed Watersports Education Card and towed watersports boat decals paid in full in a manner determined by the Marine Board.

(2) An application for renewal of the Towed Watersports Education Card and towed watersports boat decals shall be made in the same manner as provided in section (1)(b) and (c) of this rule.

(3) The applicant may, at the time of application, order additional sets of decals for use on other boats owned by the applicant.

(4) Towed watersports boat decals shall be placed on each side of the vessel on the backward half of the boat. Decals must not be applied to the transom and must be visible above the water line.

(5) The towed watersports boat decals are non-transferable. If the boat is sold, the boat decals shall be removed from the boat.

(6) The owner of a boat for which towed watersports boat decals have been issued shall notify the Board within 30 days of the transfer or sale of the boat.

STATUTORY/OTHER AUTHORITY: ORS 830.110

STATUTES/OTHER IMPLEMENTED: 2019 HB 2352