

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on January 5, 2010 by the
Date prior to or same as filing date

Oregon State Marine Board

Chapter 250

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

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to become effective January 5, 2010 through
Date upon filing or later

June 30, 2010.
A maximum of 180 days including the effective date.

RULE CAPTION

Establish procedures for an aquatic invasive species prevention fund permit.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

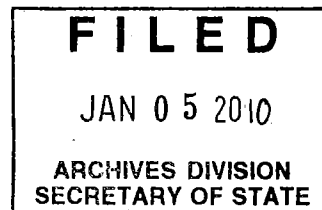
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:**AMEND:** 250-010-0650**SUSPEND:**

Stat. Auth.: ORS 830

Other Auth.: HB 2220

Stats. Implemented: ORS 830.110



CMT

RULE SUMMARY

This rule, as originally adopted, established and outlined the mechanism to issue and renew an Oregon aquatic invasive species prevention permit and collect associated permit fees as directed by the 2009 Oregon Legislature in HB 2220. This rule amendment identifies the age of the person(s) who need a valid permit when a boat is in use and establishes reciprocity with the states of Washington and Idaho.

Paul Donheffner, Director

January 5, 2010

Authorized Signer

Printed name

Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

ARC 940-2005

OSMB 1-2010 (T)

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon State Marine Board
Agency and Division

Chapter 250
Administrative Rules Chapter Number

In the Matter of: 250-010-0650

Establish procedures for an aquatic invasive species prevention fund permit.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: ORS 830

Other Authority: HB 2220

Stats. Implemented: ORS 830.110

Need for the Temporary Rule(s):

This rule amendment is needed to identify the age of the person(s) who need a valid aquatic invasive species prevention permit when a boat is in use on the water of this state and also establishes reciprocity with the states of Washington and Idaho.

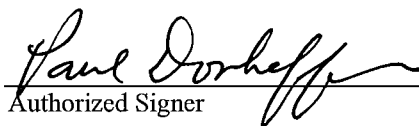
Documents Relied Upon, and where they are available:

House Bill 2220
Staff Report, October 13, 2009, Oregon State Marine Board

The above documents are available for public inspection at the Oregon State Marine Board, Director's Office, between 8:00 am and 4:30 pm, on normal working days, Monday – Friday.

Justification of Temporary Rule(s):

The 2009 Legislature directed the agency to adopt rulemaking effective January 1, 2010. There is insufficient time to initiate the permanent rulemaking process to include age identification and state reciprocity. Failure to adopt this rule would cause serious prejudice to the public interest in that uncertainty between the boating public and law enforcement, as to the intent of the rule, may result.


Authorized Signer

Paul Donheffner, Director

Printed name

January 5, 2010

Date

Aquatic Invasive Species

250-010-0650

Aquatic Invasive Species Prevention Permit

(1) Definitions:

(a) "Manually powered boat" means any watercraft as defined in ORS 830.005(2), but not a motorboat as defined in 830.005(6).

(b) "Aquatic Invasive Species Prevention Permit" means a document issued by the Oregon State Marine Board (Board) or through designated agents that certifies payment to the Aquatic Invasive Species Prevention Fund.

(c) "Board" means the Oregon State Marine Board.

(d) "Valid temporary permit" means a temporary aquatic invasive species prevention permit generated from a person purchasing a permit from a designated Internet agent.

(2) Permit Rules:

(a) A person may not operate a manually powered boat that is 10 feet or more in length, or a motorboat of any length, or a sailboat 12 feet or more in length, on the waters of this state without first obtaining an aquatic invasive species prevention permit from the Board or designated agent.

(b) The owner of a boat for which fees for a certificate of number or registration under ORS 830.790(1)(a)(b)(c) are required will pay an aquatic invasive species prevention permit surcharge of \$5 per biennium at the time of boat registration.

(A) The registration validation stickers are in lieu of an Aquatic Invasive Species Prevention Permit as described in (1)(b).

(B) The validation stickers are non-transferable.

(c) Persons age 14 and older operating manually powered boats that are 10 feet or more in length shall have a valid aquatic invasive species prevention permit or valid temporary permit on board when the boat is in use on the waters of this state.

(d) Out-of-state motorboats and out-of-state sailboats 12 feet in length or more shall purchase and carry a non-resident aquatic invasive species prevention permit on board when in use on waters of the state.

(e) Operators of manually powered boat liveries, and guides using manually powered watercraft for group-guided activities, may qualify to purchase aquatic invasive species prevention permits at a discounted rate described in HB 2220 (2009 Legislature). To qualify for the discounted rate:

(A) These operators shall register with the Board by documenting current business status as a livery.

(B) All boats rented by the livery must be clearly labeled with the livery name.

(f) Clubs or organizations that possess or own boats for communal use by members, participants, racing teams, or for public educational purposes except as exempted under HB 2220, may purchase aquatic invasive species prevention permits under the name of the organization or the club's presiding officer or secretary.

(A) The aquatic invasive species prevention permit may be attached to the boat in a manner allowing it to be easily produced for inspection by a peace officer.

(B) For boats classified as university or college racing shells which compete in intercollegiate crew races, aquatic invasive species prevention permits numbering not less than the maximum number of boats in use on the water at any given time during a planned event may be held by the event organizer, coach or other designated person at the event site as long as the permits are readily available for inspection by a peace officer.

(g) The Board or designated agent may issue a temporary aquatic invasive species prevention permit to an individual who pays for the permit using a Board designated Internet agent.

(A) The temporary aquatic invasive species prevention permit will be valid for 14 days from the date of issue listed on the temporary permit.

(B) Each temporary permit shall contain a unique number that corresponds to the electronic record for the individual named on the permit and to the annual permit.

(h) A person is considered in violation of the provisions contained in HB 2220 and subject to the penalties prescribed by law when they:

(A) Alter an aquatic invasive species prevention permit; or

(B) Produce or possess an unauthorized replica of an aquatic invasive species prevention permit; or

(C) Exhibit an altered aquatic invasive species prevention permit to a peace officer.

(i) The aquatic invasive species prevention permit expires on December 31 of the year indicated on the permit.

(j) The following vessels or classifications are exempt from the requirement to carry an aquatic invasive species prevention permit:

(A) State-owned boats

(B) County-owned boats

(C) Municipality-owned boats

(D) Eleemosynary-owned boats

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

(F) Seaplanes

(G) The Lightship Columbia

(k) Violation of the provisions contained in HB 2220 is punishable as a Class A Misdemeanor.

(3) Out-of-state motorboats and out-of-state sailboats 12 feet in length or more shall purchase and carry a non-resident aquatic invasive species prevention permit on board when in use on waters of the state.

(a) Motor boats and sailboats 12 feet in length or more, registered in Washington or Idaho, that launch directly into waters that form a common interstate boundary, or launch in Oregon tributaries within one mile of these waters, that have a current boat registration, Coast Guard documentation, or an aquatic invasive species prevention permit issued by the States of Idaho or Washington, are exempt from the non-resident Oregon aquatic invasive species prevention permit.

(b) Manually powered boats from Idaho that are 10 feet or longer and affixed with an Idaho Aquatic Invasive Species Prevention sticker, and all manually powered boats from Washington, are exempt from Oregon aquatic invasive species permit carriage requirements when launching into waters that form a common interstate boundary, or when launching into Oregon tributaries within one mile of these waters.

Stat. Auth.: ORS 830 & HB 2220

Stats. Implemented: ORS 830.110

Hist.: