

LC 344
2025 Regular Session
25000-001
8/15/24 (HE/ps)

D R A F T

SUMMARY

Digest: The Act redefines “charter guide.” The Act ups the fee for all outfitters and guides, but the fee does not change until November. The Act becomes law 91 days after sine die. (Flesch Readability Score: 82.3).

Modifies the definition of “charter guide” for purposes of outfitter and guide laws.

Increases the registration fee for all outfitters and guides. Becomes operative November 1, 2025.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to activities regulated by the State Marine Board; creating new provisions; amending ORS 704.010, 704.020 and 704.900; and prescribing an effective date.

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

SECTION 1. ORS 704.010 is amended to read:

704.010. As used in this chapter:

[(1) “Charter guide” means an individual who:]

[(a) Carries passengers for hire for outdoor recreational activities on the waters of the Pacific Ocean over which the State of Oregon has jurisdiction;]

[(b) Carries passengers for hire for outdoor recreational activities on the waters of the Columbia River below the Astoria-Megler Bridge downstream to the waters of the Pacific Ocean; and]

[(c) Possesses a valid United States Coast Guard operator license.]

(1) “Charter guide” means an individual who:

(a) Possesses a valid United States Coast Guard operator license;

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 **and**

2 **(b) Carries no more than six passengers for hire for outdoor recre-**
3 **ational activities on federally navigable waterways.**

4 (2) "Employee" means an individual who, in exchange for compensation
5 or monetary gain, provides outfitting and guiding services under the direc-
6 tion, supervision and control of an outfitter and guide or a charter guide.

7 (3) "Outdoor recreational activities" includes, but is not limited to, boat-
8 ing, angling, hunting, jeep touring, backpacking, alpine mountain climbing,
9 camping, trips utilizing pack animals, dog sled trips, whitewater float trips,
10 rafting trips, drift boat trips, kayak trips, inflatable canoe trips and canoe
11 trips, the duration of which may be for a few hours or for several days or
12 weeks.

13 (4)(a) "Outfitter and guide" means any person:

14 (A) Who, for compensation or monetary gain, provides, offers to provide
15 or advertises the provision of:

16 (i) Outfitting and guiding services in this state; or

17 (ii) Outfitting and guiding services and either equipment, supplies, live-
18 stock or materials for use in this state; or

19 (B) Who holds one or more federal special use permits for commercial
20 outfitting and guiding services for use in any forest or wilderness or on any
21 waterway in this state.

22 (b) "Outfitter and guide" does not include:

23 (A) An individual who, for compensation or monetary gain, provides out-
24 fitting and guiding services for the conduct of outdoor recreational activities
25 exclusively upon property owned or controlled by the individual; or

26 (B) An employee of an outfitter and guide, unless the employee conducts,
27 leads or assists in angling activities or operates or assists in the operation
28 of watercraft used for angling.

29 (5)(a) "Outfitting and guiding services" includes, but is not limited to,
30 leading, protecting, instructing, training, cooking, packing, guiding, trans-
31 porting, supervising, interpreting or otherwise assisting any person in the

1 conduct of outdoor recreational activities.

2 (b) “Outfitting and guiding services” does not include the rental of
3 equipment alone.

4 **SECTION 2.** ORS 704.020 is amended to read:

5 704.020. (1) Any person who acts or offers to act as an outfitter and guide
6 [*must*] **shall** first register with the State Marine Board. Each registration
7 shall be submitted annually on a form provided by the board and shall in-
8 clude the following information:

9 (a) The name, residence address and telephone number of the person pro-
10 viding outfitting and guiding services, and all business names, addresses and
11 telephone numbers under which outfitting and guiding services are provided.

12 (b) Proof that the business under which outfitting and guiding services
13 are provided has registered with the Secretary of State.

14 (c) If the outfitting and guiding services are to be performed in the busi-
15 ness name of an individual, proof that the outfitter and guide is certified to
16 give first aid, as determined by the board by rule.

17 (d) If the outfitting and guiding services are to be performed in the busi-
18 ness name of a person other than an individual, a list of the names of all
19 employees, agents and parties in interest who physically provide, or who di-
20 rectly assist in physically providing, outfitting and guiding services in this
21 state, together with the affidavit of the outfitter and guide that each such
22 employee, agent or party in interest is certified to give first aid, as deter-
23 mined by the board by rule.

24 (e) If the outfitter and guide is carrying passengers for hire on waterways
25 determined to be navigable by the United States Coast Guard, proof that the
26 person or an individual employed by the person has a valid United States
27 Coast Guard operator license.

28 (f) A description of:

29 (A) The outfitting and guiding services and any equipment, supplies,
30 livestock and materials provided by the outfitter and guide;

31 (B) The geographic area in which the outfitter and guide provides the

1 outfitting and guiding services and the equipment, supplies, livestock and
2 materials; and

3 (C) The experience of the outfitter and guide in providing the outfitting
4 and guiding services and the equipment, supplies, livestock and materials.

5 (g) Proof that the outfitter and guide has liability insurance covering
6 occurrences by the outfitter and guide, and the employees of the outfitter
7 and guide, which result in bodily injury or property damage. To meet the
8 requirement under this paragraph, insurance must provide combined single
9 limit per occurrence general liability coverage of at least \$500,000.

10 (h) Certification by the outfitter and guide that the outfitter and guide
11 will maintain the insurance required by paragraph (g) of this subsection
12 continuously and in full force and effect for a period of time to be determined
13 by the board by rule.

14 (i) The affidavit of the outfitter and guide stating that for a period of not
15 less than 24 months immediately prior to making the registration application
16 the outfitter and guide and each person who provides or assists in directly
17 providing outfitting and guiding services:

18 (A) Have not been convicted of:

19 (i) A felony or misdemeanor related to the provision of services regulated
20 by this chapter;

21 (ii) A violation under this chapter or ORS chapter 477, 496, 497, 498, 501,
22 506, 508, 509, 511 or 830 or any rule adopted pursuant to ORS chapter 477,
23 496, 497, 498, 501, 506, 508, 509, 511 or 830;

24 (iii) A violation of the wildlife laws that occurred while acting as an
25 outfitter and guide and that resulted in court-ordered revocation of the
26 hunting or fishing license of the outfitter and guide;

27 (iv) A crime involving delivery, manufacture or possession of a controlled
28 substance, as defined in ORS 475.005; or

29 (v) Assault in any degree, criminal homicide as defined in ORS 163.005
30 or kidnapping in any degree;

31 (B) Have not had an outfitting and guiding license, permit or certificate

1 revoked, suspended or canceled by another state or by an agency of the
2 government of the United States;

3 (C) Have not been denied the right to apply for an outfitting and guiding
4 license, permit or certificate by another state or by an agency of the gov-
5 ernment of the United States; and

6 (D) Have not been convicted of guiding without registration as required
7 by this subsection.

8 (j) The affidavit of the outfitter and guide stating that the outfitter and
9 guide and each person who provides or assists in directly providing outfitting
10 and guiding services have not been convicted of:

11 (A) A crime, the result of which prohibits the person from possessing a
12 firearm; or

13 (B) A crime, the result of which requires the person to be registered as
14 a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025.

15 (2)(a) In addition to the requirements of subsection (1) of this section, a
16 person who acts or offers to act as an outfitter and guide using boats that
17 are under the direct operation of an outfitter and guide or an employee of
18 an outfitter and guide for the purpose of carrying passengers on the waters
19 of this state must submit proof:

20 (A) If operating a motorboat on the waters of this state, that the outfitter
21 and guide:

22 (i) Has passed a written test adopted by the board by rule;

23 (ii) Has participated in a drug and alcohol program as defined by the
24 board by rule; and

25 (iii) Has completed a physical examination every five years as required
26 by the board by rule.

27 (B) Of liability insurance in a form prescribed by the board by rule.

28 (b) A person is exempt from paragraph (a)(A) of this subsection if the
29 person is operating a motorboat on waters of this state determined to be
30 navigable by the United States Coast Guard and the person possesses a valid
31 United States Coast Guard operator license.

1 (3)(a) A person who registers as an outfitter and guide and who accepts
2 deposits from clients in excess of \$100 per person shall submit a bond or
3 other financial security in the amount of \$5,000 to the board at the time of
4 registration. The bond or other financial security shall be held by the board
5 for the benefit of clients of the outfitter and guide who pay a money deposit
6 to the outfitter and guide in anticipation of services to be received. The
7 bond or other financial security amount shall be released to such client or
8 clients conditioned upon a failure of the outfitter and guide to return the
9 deposit following cancellation of services or other failure to provide agreed
10 upon services.

11 (b) The board shall release or retain all or any portion of a bond or other
12 financial security as described in paragraph (a) of this subsection according
13 to the provisions of ORS chapter 183.

14 *[(4) Each annual registration shall be accompanied by a fee as follows:]*

15 *[(a) For resident persons, \$150.]*

16 *[(b) For nonresident persons who reside in a state that requires residents*
17 *of this state to pay a license fee, registration fee or other fee or charge in excess*
18 *of \$150 to act as an outfitter and guide in that state, the same fee or other*
19 *charge as is charged the residents of this state to act as an outfitter and guide*
20 *in the state where the nonresident applicant resides. If the state in which such*
21 *a nonresident applicant resides makes distinctions in fees or charges based on*
22 *the type of outfitter and guide service performed and requires residents of this*
23 *state to pay fees or charges accordingly, the board shall make and apply those*
24 *same distinctions and require the nonresident applicants to pay the corre-*
25 *sponding fees or charges.]*

26 *[(c) For nonresident persons other than those referred to in paragraph (b)*
27 *of this subsection, \$150.]*

28 **(4) Each outfitter and guide and employee shall pay to the board**
29 **an annual registration fee, as follows:**

30 **(a) For outfitters and guides, \$350.**

31 **(b) For employees, \$25.**

1 (5) Upon the submission to the board of the appropriate fees prescribed
2 in this section and the registration information required by this section, the
3 board shall issue to the applicant a certificate of registration. The board
4 shall also issue to each registrant proof of compliance with the requirements
5 of this section.

6 (6) A person who conducts sightseeing flights or other aircraft operations
7 is exempt from the provisions of this section unless the activities conducted
8 by the person are outdoor recreational activities as defined in ORS 704.010.

9 (7) The board shall issue an identifying decal to outfitters and guides
10 registering under this section that may be displayed on vehicles, pack
11 equipment or other suitable locations where customers can see the registra-
12 tion decal.

13 (8) A certificate of registration issued to an outfitter and guide under this
14 section expires on December 31 of each calendar year or on such date as may
15 be specified by board rule.

16 **SECTION 3.** ORS 704.900 is amended to read:

17 704.900. (1) In addition to any other penalty provided by law, the State
18 Marine Board may impose a civil penalty for failure to comply with ORS
19 704.020, 704.021, 704.065 or 704.070 or for violation of ORS 704.030.

20 (2) Any civil penalty under this section shall be imposed in the manner
21 provided by ORS 183.745.

22 (3) Notwithstanding ORS 183.745, the person to whom the notice is ad-
23 dressed shall have 30 days from the date of service of the notice in which
24 to make written application for a hearing before the board.

25 (4) The board shall adopt rules implementing these provisions, including
26 a schedule of civil penalties. The civil penalty for each violation shall not
27 exceed [~~\$500~~] **\$1,000**.

28 (5) A civil penalty imposed under this section may be remitted or reduced
29 upon such terms and conditions as the board considers proper and consistent
30 with the public health and safety.

31 (6)(a) In imposing a penalty pursuant to the schedule adopted pursuant

1 to this section, the board shall consider the following factors:

2 (A) Any prior violations of ORS 704.020, 704.021, 704.030, 704.065 or
3 704.070.

4 (B) The immediacy and extent to which the violation threatens the public
5 health or safety.

6 (b) The penalty imposed under this section may be remitted or mitigated
7 upon such terms and conditions as the board determines to be proper and
8 consistent with the public benefit. Upon the request of the person incurring
9 the penalty, the board shall consider evidence of the economic and financial
10 conditions of the person in determining whether a penalty shall be remitted
11 or mitigated.

12 (7) All penalties recovered under this section shall be paid into the State
13 Treasury and credited to the Outfitters and Guides Account.

14 **SECTION 4. (1) The amendments to ORS 704.020 by section 2 of this**
15 **2025 Act apply to fees imposed on or after November 1, 2025.**

16 **(2) The amendments to ORS 704.900 by section 3 of this 2025 Act**
17 **apply to civil penalties imposed on or after the effective date of this**
18 **2025 Act.**

19 **SECTION 5. (1) The amendments to ORS 704.020 by section 2 of this**
20 **2025 Act become operative November 1, 2025.**

21 **(2) The State Marine Board may adopt rules and take any other**
22 **action before the operative date specified in subsection (1) of this sec-**
23 **tion that is necessary to enable the board to undertake and exercise,**
24 **on and after the operative date specified in subsection (1) of this sec-**
25 **tion, all of the duties, functions and powers conferred on the board**
26 **by the amendments to ORS 704.020 by section 2 of this 2025 Act.**

27 **SECTION 6. This 2025 Act takes effect on the 91st day after the date**
28 **on which the 2025 regular session of the Eighty-third Legislative As-**
29 **sembly adjourns sine die.**

30