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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

OSMB 6-2019

CHAPTER 250
OREGON STATE MARINE BOARD

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Operation of personal watercraft by youth participating in sanctioned competitive events or training

EFFECTIVE DATE: 07/17/2019 THROUGH 12/31/2019

AGENCY APPROVED DATE: 07/17/2019

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Filed By:
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NEED FOR THE RULE(S):

These rules are needed to define the circumstance and requirement which allow youth to train and participate in strictly controlled competitive personal watercraft (jet ski) events.

JUSTIFICATION OF TEMPORARY FILING:

Failure to adopt these temporary rules will result in prejudice to the boating public by creating a barrier for youth to train for and participate in sanctioned water race personal watercraft (PWC) events. Youth PWC racing events are scheduled throughout late summer and early fall. Without these rules, youth racers under the age of 16 will not be permitted to train and compete in the events. Temporary rules will allow youth to compete this season while permanent rulemaking is considered.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Emails between Marine Board staff, dated 6/14/19, 6/19/19, 7/3/19, 7/5/19, and 7/16/19.

Rulemaking documents are available for public inspection at the State Marine Board, Director's Office, between 8:30 am - 4:00 pm on regular work days, Monday-Friday.

RULES:

250-018-0010, 250-021-0030, 250-021-0035

AMEND: 250-018-0010

RULE SUMMARY: Allows the independent operation of personal watercraft by youth age 12 to 15 when competing in or training for a Marine Board-sanctioned competition.

CHANGES TO RULE:

250-018-0010

Definitions ¶

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 or internet course and who has been approved by the Oregon State Marine Board.¶
- (2) "Boater Education Card" is the boating safety certificate required by ORS 830.086 and 830.094. This document, issued by the Marine Board, certifies that the person named on the card has established proof of competency and is authorized to operate a boat in Oregon under ORS 830.082 to 830.096.¶
- (3) "Boating Safety 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 course and examination provided by the Marine Board that is taken at home without a proctor. After, January 1, 2001, this correspondence course and self test will satisfy minimum standard of boating safety education competency 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) A person who is water skiing, or is in the cabin of a boat is not considered to be in direct supervision. ~~Direct supervision is referred to in ORS 830.090 and 830.088~~¶
 - (b) A youth age 12 to 15 operating a personal watercraft while training for or competing in a Marine Board-sanctioned event as described in OAR 250-021-0035 is considered to be under direct supervision.¶
- (6) "Dockside 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.¶
- (7) "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 competency without having to take a boating safety course.¶
- (8) "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 competency. 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.¶
- (9) "Internet Course" is any NASBLA approved 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.¶
- (10) "Minimum Standard of Boating Safety Education Competency" means a standard of proficiency established by the Marine Board based on the standards set by NASBLA that determines whether an applicant for a boater education card has met or exceeded the requirements of a boating safety course, equivalency exam, Internet course, or correspondence course and self test.¶
- (11) "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.¶
- (12) "Proof of Competency" is a document verifying that an individual has achieved the minimum standard for

boating safety education competency as determined by the Marine Board.¶

(13) "Temporary Boater 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 60 days as provided in ORS 830.082 to 830.096.

Statutory/Other Authority: ORS 830.110

Statutes/Other Implemented: ORS 830.082 - ORS 830.096

AMEND: 250-021-0030

RULE SUMMARY: Amends operational rules to allow for operation of personal watercraft by youth in sanctioned competitive or training events.

CHANGES TO RULE:

250-021-0030

Operating Rules ¶¶

- (1) A person must not operate a personal watercraft unless each person operating or riding on such vessel is wearing an inherently buoyant Coast Guard approved Type I, II, or III personal flotation device (PFD) as defined by OAR 250-010-0154.¶¶
- (2) A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to their person, clothing, or personal flotation device.¶¶
- (3) A person must not operate a personal watercraft unless it is effectively muffled in accordance with OAR 250-010-0121.¶¶
- (4) A person must not operate a personal watercraft at any time between sunset and sunrise unless equipped with lights as prescribed in OAR Chapter 250, Division 011.¶¶
- (5) Every personal watercraft shall at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including but not limited to weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to said vessel or when visibility around said vessel is obstructed, and swerving at the last possible moment to avoid collision shall constitute unsafe or reckless operation of a vessel, as provided in ORS 830.305 or 830.315.¶¶
- (6) The provisions of section (5) of this rule do not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an officially sanctioned regatta, race, marine parade, tournament, or exhibition.¶¶
- (7) A person must not operate a personal watercraft in excess of a slow-no wake speed:¶¶
 - (a) Within 200 feet of a boat launch ramp, dock, swim float, pier, marina or moorage, floating home or boathouse, or locations where persons are working at water levels on floats, logs or waterway construction;¶¶
 - (b) Within 200 feet of a swimmer, surfer, diving flag, bank or wading angler;¶¶
 - (c) Within 100 feet of any anchored or non-motorized vessel;¶¶
 - (d) Except on safe take-offs and landings, a person must not operate a personal watercraft in excess of a slow-no wake speed within 200 feet of shoreline on all lakes, bays and reservoirs. A safe take-off or landing will not be considered "safe" unless it can be accomplished without risk to any swimmer or craft within 200 feet from shoreline.¶¶
- (8) A person must not operate a personal watercraft in excess of 10 MPH when approaching within 100' of another motorized or sail vessel underway.¶¶
- (9) A person must not operate a personal watercraft within 200 feet directly behind a water skier being towed.¶¶
- (10) A person must not tow a water skier or any floating device with a personal watercraft unless:¶¶
 - (a) Another person on the personal watercraft is continuously observing the person being towed; and¶¶
 - (b) The personal watercraft is large enough to carry operator, observer and the person being towed; and¶¶
 - (c) The personal watercraft is equipped with a "skier-down" flag to be held aloft when the skier or person being towed is down in the water; and¶¶
 - (d) The personal watercraft is being operated between sunrise and sunset.¶¶
- (11) Personal watercraft may be used to tow another vessel when rendering assistance.¶¶
- (12) A person under the age of 16 must not operate a personal watercraft on the waters of this state, unless accompanied by a person 18 years of age or older on board, or as provided in OAR 250-021-0035.¶¶
- (13) A person who owns a personal watercraft or who has charge over or control of a personal watercraft must not authorize or knowingly permit that personal watercraft to be operated by a person under 16 years of age, unless accompanied by a person 18 years of age or older, or as provided in OAR 250-021-0035.¶¶

(14) A person must not rent a personal watercraft to a person under the age of 18.¶

(15) A person must not chase, harass, molest, worry or disturb any wildlife with a personal watercraft except while engaged in lawfully angling for, hunting or trapping such wildlife (ORS 498.006).

Statutory/Other Authority: ORS 830.110, 830.175, 830.195, 830.250

Statutes/Other Implemented: ORS 830.110

ADOPT: 250-021-0035

RULE SUMMARY: Outlines the requirements for youth to be permitted to compete in or train for personal watercraft competition.

CHANGES TO RULE:

250-021-0035

Youth Competitions and Training

(1) A youth age 12 to 15 may independently operate a personal watercraft when competing in a Marine Board-sanctioned competition per OAR 250-010-0095 when the following requirements are met.¶

(a) The youth holds a NASBLA-approved boating education card.¶

(b) The youth carries a license, certificate or membership issued through a race-sanctioning organization.¶

(2) If participating in training, in addition to the requirements of 250-021-0035(1), the following must occur:¶

(a) An on-site sponsor, age 18 or older and who holds a NASBLA-approved boating education card, must be present and be able to provide on-water assistance, as needed. ¶

(b) The youth or the sponsor must carry a valid letter of approval issued by the Marine Board.

Statutory/Other Authority: ORS 830.110, ORS 830.375, ORS 830.082 - ORS 830.096

Statutes/Other Implemented: