

Oregon AIS Statutes

Ore. Rev. Stat. Tit. 61, Ch. 830 (Small Watercraft)

§ 830.560. Boating restrictions when certain aquatic species are present

(1) As used in this section:

(a) “Aquatic invasive species” means any aquatic life or marine life determined by the State Fish and Wildlife Commission by rule to be invasive or any aquatic noxious weed determined by the State Department of Agriculture to be invasive.

(b) “Launch” means any act that places a boat into a waterway for recreational boating, for flushing or testing an engine or for any other purpose.

(2) Except as provided in subsection (3) of this section, a person may not launch a boat into the waters of this state if:

(a) The boat has any visible aquatic species on its exterior hull or attached to any motor, propulsion system or component, anchor or other attached apparatus outside of the hull, or on the trailer or other device used to transport the boat; or

(b) The boat has any aquatic invasive species within its bilge, livewell, motorwell or other interior location.

(3) The State Fish and Wildlife Commission, in consultation with the State Department of Agriculture, by rule may allow the presence of certain aquatic species on or within a boat for activities including but not limited to hunting and photography.

(4) The State Marine Board shall provide information to the public about any rules adopted under subsection (3) of this section.

§ 830.565. Permits; requirements for certain boats

A person may not operate a sailboat that is at least 12 feet in length or a motorboat on the waters of this state without first obtaining an aquatic invasive species prevention permit from the State Marine Board under ORS 830.570.

§ 830.570. Permits; issuance and renewal; agents

(1) The State Marine Board shall issue an aquatic invasive species prevention permit to, or renew the permit of, a person who pays the fee for the permit described in ORS 830.575.

(2) The board may appoint agents to issue aquatic invasive species prevention permits.

- (3) Agents shall issue permits in accordance with procedures prescribed by the board by rule and shall charge and collect the aquatic invasive species prevention permit fees prescribed by law.
- (4) The board may authorize an agent other than a board employee to charge a service fee of \$2, in addition to the permit fee, for the issuance service performed by the agent.
- (5) The board may supply the agents with aquatic invasive species prevention permits.

§ 830.575. Permits; fees

- (1) Notwithstanding ORS 830.790 (3), the annual fee for issuance and renewal of an aquatic invasive species prevention permit for a sailboat that is at least 12 feet in length and not registered in Oregon or a motorboat that is not registered in Oregon is \$20.
- (2) All fees collected under this section shall be deposited into the Aquatic Invasive Species Prevention Fund established under ORS 830.585.

§ 830.580. Rules

The State Marine Board shall adopt rules for the implementation and administration of ORS 830.565 to 830.575, including but not limited to the exemption of certain boats from the requirements of ORS 830.565 and the method for displaying an aquatic invasive species prevention permit.

§ 830.585. Aquatic Invasive Species Prevention Fund

- (1) The Aquatic Invasive Species Prevention Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Aquatic Invasive Species Prevention Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Marine Board.
- (2) (a) The fund consists of:
 - (A) Moneys deposited into the fund under ORS 830.575;
 - (B) Moneys transferred to the fund from the federal government, other state agencies or local governments;
 - (C) Any other moneys appropriated to the fund by the Legislative Assembly; and
 - (D) Moneys deposited into the fund under paragraph (b) of this subsection.
- (b) The board may receive gifts, grants or contributions from any source, whether public or private. Moneys received under this paragraph shall be deposited into the fund.
- (3) The board may use the moneys in the fund:
 - (a) To pay the administrative costs of the aquatic invasive species prevention permit program;

- (b) To award grants and enter into grant agreements to prevent and control aquatic invasive species; and
- (c) For any other purpose of the board as described in ORS 830.565 to 830.575, 830.589 and 830.594.

§ 830.587. Definitions

As used in ORS 830.589, 830.594, 830.998 and 830.999.

- (1) “Aquatic invasive species” means any aquatic species of wildlife or any freshwater or marine invertebrate the State Fish and Wildlife Commission identifies as a prohibited species by rule, or any aquatic noxious weeds as specified by the State Department of Agriculture by rule.
- (2) “Recreational or commercial watercraft” means any boat, any equipment used to transport a boat and any auxiliary equipment for a boat, including but not limited to attached or detached outboard motors.

§ 830.589. Operation of check stations to inspect for aquatic invasive species

- (1) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may require a person transporting a recreational or commercial watercraft to stop at a check station to inspect the watercraft for the presence of aquatic invasive species. The purpose of the administrative search authorized under this section is to prevent and limit the spread of aquatic invasive species within Oregon.
- (2) (a) The State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture may decontaminate, or order the decontamination of, any recreational or commercial watercraft that the agency inspects at a check station operated under authority of this section. If the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture orders decontamination, the person transporting the watercraft shall cooperate with the agency to complete the decontamination.
 - (b) Failure to cooperate with the ordered decontamination process is subject to penalties under ORS 830.998.
- (3) All check stations operated under authority of this section must be plainly marked by signs that comply with all state and federal laws and must be staffed by at least one uniformed employee of the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture trained in inspection and decontamination of recreational or commercial watercraft.
- (4) An agency that operates a check station under this section shall require all persons transporting recreational or commercial watercraft to stop at the check station, and the

agency shall inspect every recreational or commercial watercraft that goes through the check station.

- (5) Notwithstanding ORS 496.992, a person transporting a recreational or commercial watercraft who stops at a check station for inspection and who cooperates in the decontamination process is not subject to criminal sanctions for possessing or transporting aquatic invasive species.
- (6) The State Department of Fish and Wildlife, the State Marine Board and the State Department of Agriculture may adopt rules to carry out the provisions of this section.

§ 830.591. Stop of person transporting a recreational or commercial watercraft; authority of peace officer

- (1) When a peace officer stops a person transporting a recreational or commercial watercraft for failing to stop at an aquatic invasive species check station as required under ORS 830.589, the peace officer may request that the person immediately drive to the nearest aquatic invasive species check station and have the watercraft inspected and, if needed, decontaminated, provided that:
 - (a) The peace officer has probable cause that the person violated ORS 830.589 by failing to stop at an aquatic invasive species check station; and
 - (b) An aquatic invasive species check station is open within five miles of the location of the stop.
- (2) When it is necessary for the person to reverse direction in order to proceed to the nearest aquatic invasive species check station, the peace officer may assist the driver of the vehicle so that the turning movement can be made safely.
- (3) Failure to comply with a peace officer's request to proceed to the nearest aquatic invasive species check station under subsection (1) of this section is subject to criminal penalties under ORS 830.990.

§ 830.594. Reports

- (1) The State Department of Fish and Wildlife, after consultation with the State Marine Board, the State Department of Agriculture and the Department of State Police, shall report biennially to the Legislative Assembly on efforts to prevent aquatic invasive species from entering this state and may include in the report suggested legislation necessary to more effectively prevent aquatic invasive species from entering this state.
- (2) Reports to the Legislative Assembly required under this section must be made in accordance with ORS 192.245.

§ 830.998. Failure to stop at aquatic invasive species check station; penalties

- (1) A person who is transporting a recreational or commercial watercraft and fails to stop and submit to an inspection or complete the ordered decontamination at an aquatic invasive species check station operated by the State Department of Fish and Wildlife, the State Marine Board or the State Department of Agriculture as provided under ORS 830.589 commits a Class D violation.
- (2) Notwithstanding ORS 153.042, a peace officer may issue a citation under subsection (1) of this section when the conduct alleged to constitute a violation has not taken place in the presence of the peace officer, if the peace officer has reasonable grounds to believe that the conduct constitutes a violation on the basis of information received from an employee of an agency authorized to operate an aquatic invasive species check station who observed the violation.

§ 830.999. Civil penalties

- (1) A person is subject to a civil penalty in an amount to be determined by the State Fish and Wildlife Director of not more than \$6,250 if the person knowingly transports aquatic invasive species on or in a recreational or commercial watercraft. A second or subsequent violation of this subsection within a five-year period shall result in a civil penalty in an amount not less than \$5,000 and not more than \$15,000.
- (2) Subsection (1) of this section does not apply to:
 - (a) A person who transports aquatic invasive species in ballast water, as defined in ORS 783.625.
 - (b) A person who complies with all instructions for the proper decontamination of the recreational or commercial watercraft given by an employee authorized under ORS 830.589 (1) to inspect recreational or commercial watercraft.
 - (c) A person who transports aquatic invasive species to the State Department of Fish and Wildlife or the State Department of Agriculture, or to another destination designated by the State Fish and Wildlife Commission by rule, in a manner designated by the commission for purposes of identifying or reporting an aquatic invasive species.
- (3) The civil penalties authorized in this section shall be imposed as provided in ORS 183.745. Any civil penalty recovered under this section shall be deposited in the State Wildlife Fund. The commission by rule shall adopt the formula the State Fish and Wildlife Director shall use in determining the amount of civil penalties under this section.