

The Oregon Administrative Rules contain OARs filed through July 14, 2006

DIVISION 18

PROCEDURES FOR IMPLEMENTING MANDATORY BOATING SAFETY EDUCATION PROGRAM

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 and/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) "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.

~~(5) "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.~~

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~~(6) "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. Direct supervision is referred to in ORS 830.090 and 830.088.~~

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~~(7) "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~~

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renters/operators of motorboats and must be read and checked by the renter and/or operator of the motorboat before a motorboat can be rented and operated.

(8) "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.

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(9) "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.

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(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.

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(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.

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(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.

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(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.

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Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01; OSMB 3-2003, f. & cert. ef. 3-31-03

250-018-0020

Minimum Standards for Boating Safety Education Competency

(1) A person required to possess a boater education card in order to operate a motorboat in Oregon must meet the minimum standard for boating safety education competency as set by the Marine Board.

(2) The minimum standards for boating safety education competency required by the Marine Board are:

(a) Successful completion of a boating safety course in person and a passing score of at least 70 percent on a written test administered at the conclusion of the course by the instructor or a proctor; or

(b) A score of at least 70 percent on a proctored equivalency exam. Individuals may take the equivalency exam no more than once within any 30-day period; or

(c) A score of at least 80 percent on a correspondence course and self test provided by the Marine Board to individuals qualifying for hardship status; or

(d) A score of at least 80 percent on a self-test associated with a boating safety course offered over the Internet. For an Internet course to meet Marine Board standards, it must be NASBLA approved and contain at least 75 questions with at least 15 of the questions Oregon specific. Questions must be pulled randomly from a database of a 180 questions minimum, and questions must address each of the key areas of general boat information, national and Oregon specific boating laws, boat operation, preparation and trailering, legal requirements and boating emergencies; or

(e) Possession of a certificate, card, or other official document issued by another state or Canada that is equivalent to Oregon's boater education card as determined by the Marine Board; or

(f) Satisfactory completion of Marine Safety Law Enforcement Academy; or

(g) U.S. Coast Guard certification as Crewman or Coxswain or similar classification within other branches of the armed forces.

(3) Suitable evidence of achieving the minimum standard for boating safety education competency or "proof of competency" documents must contain the name of the individual applying for the boater education card and be signed or otherwise certified by the issuing organization. Proof of competency documents include:

(a) A certificate of completion issued by the U.S. Power Squadrons, U.S. Coast Guard Auxiliary, Marine Board or other approved course provider; or

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(b) A certificate, card, or other official document issued by a proctor stating that the individual passed the equivalency exam with a score of 70 percent or better; or

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(c) A certificate, card, or other official document issued by another state or Canada that is equivalent to Oregon's boater education card; or

(d) A U.S. Coast Guard operator's license either valid or expired. The following designations will be accepted: First Class Pilot; Master of Steam or Motor or Auxiliary Sail Vessels of not more than 25, 50, 100, 150, 200, 500, 1600 or any gross tons; Mate of Steam or Motor or Auxiliary Sail Vessels of not more than 25, 50, 100, 150, 200, 500, 1600 or any gross tons; Operator of Uninspected Towing Vessels Commercial Assistance Towing; Operator of Uninspected Passenger Vessels; or

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(e) A certificate of completion or other official record or document stating that the individual successfully completed the Oregon Marine Safety Law Enforcement Academy; or

(f) A letter from the unit Commanding Officer/Officer in Charge stating that the individual has achieved certification as a U.S. Coast Guard Crewman or Coxswain or similar classification within other branches of the armed forces; or

(g) In the event the original document establishing proof of competency is not available, a signed statement from an approved-course provider of a boating safety course stating that the individual has successfully completed a boating safety course or equivalency exam will be accepted by the Marine Board.

(4) Correspondence course and self tests taken after January 1, 2001, except as stated in (2)(d), will not meet Marine Board standards.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 – ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01

250-018-0030

Boater Education Card

(1) To obtain a boater education card a person must provide to the Marine Board:

(a) A completed application on a form provided by the Marine Board. The applicant shall provide the following information on the form: the applicant's name, address, date of birth, hair color, eye color and gender. The applicant must also sign a statement declaring that statements made on the form are true and correct and that all documents submitted with the form are true and correct copies of documents issued to the applicant. Incomplete applications will be returned to the applicant; and

(b) A copy of a proof of competency document. Proof of competency documents must contain the name of the individual applying for the boater education card. The Marine Board may require the applicant to provide the original document establishing proof of competency if the copy accompanying the application is illegible or the authenticity of the copy is not certain; and

(c) A \$10 fee for a boater education card paid in full in a manner determined by the Marine Board and stated on the application form.

(2) Boater education cards shall contain a unique number that corresponds to the individual named on the card. Boater education cards are not transferable.

(3) A person is considered in violation of the provisions contained in ORS 830.730 and subject to the penalties prescribed by law when they:

(a) Provide a false statement or information or assist another person in giving a false statement or information on any application, affidavit, document or statement used to obtain a boater education card, temporary education card, or replacement boater education card; or

(b) Exhibit an altered boater education card or any boating education card other than the one issued to them, to a peace officer; or

(c) Alter a boater education card, temporary education card, or replacement boater education card issued by the Marine Board or its authorized agent; or

(d) Produce or possess an unauthorized replica of a boater education card, temporary education card, or replacement boater education card.

(4) In addition to any penalties that may result from a violation of ORS 830.730, the boater education card of any person who provides a false statement or information or obtains a card to which he/she is not entitled is null and void.

(5) Violation of the provisions contained in ORS 830.730 is punishable as a Class A Misdemeanor.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 – ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01

250-018-0040

Replacement Boater Education Card

(1) A person may apply for a replacement boater education card from the Marine Board if:

(a) They legally change their name; or

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(b) The card is lost, stolen or destroyed; or,

(c) Misinformation is printed on the card.

(2) To obtain a replacement boater education card, an applicant must provide the Marine Board with:

(a) A completed application on a form provided by the Marine Board which includes an affidavit signed by the applicant stating the circumstances that led to the replacement of the original boater education card; and

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(b) A \$ 8 fee for a replacement card paid in full in a manner determined by the Marine Board and stated on the application form.

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Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 – ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00

250-018-0050

Temporary Boater Education Card

(1) The registered owner of a new motorboat who is otherwise required to possess a boater education card may use the temporary certificate of number issued by the Marine Board or its authorized agent as a temporary education card and may operate the new motorboat for no more than 60 days from the date of registration provided the temporary certificate of number is on board.

(2) A person who is required to possess a boater education card may use an original proof of competency (Certificate of Completion) as a temporary card and may operate a boat for no more than 60 days from date of issue provided the original proof of competency is on board.

(3) A person residing in Oregon who is otherwise required to possess a boater education card and has received a certificate, card, or other official document issued by another state or Canada that is equivalent to Oregon's boater education card may use that document as a temporary card and may operate a boat in Oregon for no more than 60 days from date of residency provided the document is on board.

(4) A person who legally rents a motorboat and is otherwise required to possess a boater education card may use the required dockside checklist as a temporary education card and may operate the rental motorboat in Oregon for the term of the rental agreement but not longer than 60 days.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 – ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00

250-018-0060

Dockside Checklist

(1) Beginning May 1, 2002 any person who provides a motorboat for rent in Oregon must require that the renter and/or operator of the rental motorboat show proof of possession of a boater education card before renting the person a motorboat.

(2) If the renter and/or operator of the rented motorboat does not possess a boater education card, the rental agent must provide the renter and/or operator of the craft with a dockside checklist provided by the Marine Board.

(3) The renter and/or operator of a rental motorboat must review and mark the dockside checklist in the presence of the rental agent before they may operate the rental motorboat.

(4) The renter and/or operator of the rental motorboat must retain the dockside checklist on board when operating the boat.

(5) It is not required that every person who will operate the rented motorboat complete the checklist. A person age 16 and older may operate the rented motorboat if they are accompanied and directly supervised by a person age 16 and older (18 for personal watercraft) who is carrying a boater education card or proof of completing the dockside safety checklist.

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Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 - ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 3-2003, f. & cert. ef. 3-31-03

250-018-0070

Program Phase In

(1) After January 1, 2001, the Marine Board may issue boater education cards to anyone age 12 and older who submits a complete application, provides proof of competency, and pays the fee required in this Division. Possession of a boater education card is not required until January 1, 2003.

(2) Beginning January 1, 2003, all individuals age 12, 13, 14 or 15 are required to possess a boater education card to operate a motorboat having 10 horsepower or less. They may operate a motorboat having 10 horsepower or less without an adult on board.

(3) Beginning January 1, 2003, all individuals 12, 13, 14 or 15 are required to possess a boater education card and be under the direct supervision of an individual age 16 or older who possesses a boater education card when operating a motorboat having greater than 10 horsepower.

(4) Beginning January 1, 2003, all individuals age 11 or younger may not operate a boat with a motor of any size. They may not operate a motorboat whether alone or under direct supervision of a boater education card holding adult.

(5) By January 1, 2003, all individuals age 16 up to and including age 30 are required to possess a boater education card to operate a motorboat having more than 10 horsepower. By January 1, 2004, all individuals age 16 up to and including age 40 are required to possess a boater education card to operate a motorboat having more than 10 horsepower.

(6) By January 1, 2005, all individuals age 16 up to and including age 45 are required to possess a boater education card to operate a motorboat having more than 10 horsepower. By January 1, 2006, all individuals age 16 up to and including age 50 are required to possess a boater education card to operate a motorboat having more than 10 horsepower.

(7) By January 1, 2007, all individuals age 16 up to and including age 60 are required to possess a boater education card to operate a motorboat having more than 10 horsepower. By January 1, 2008, all individuals age 16 up to and including age 70 are required to possess a boater education card to operate a motorboat having more than 10 horsepower.

(8) After January 1, 2009, all individuals age 16 and older must possess a boater education card to operate a motorboat having more than 10 horsepower.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 – ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00

250-018-0080

Exemptions

(1) ORS 830.092 states that non-resident boaters will be exempt from carrying a card if operating in Oregon waters for **less than** 60 days. This exemption will apply only to non-residents age 12 and older. No one age 11 and under, whether a resident of this state or not, may operate a power boat of any horsepower after January 1, 2003.

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(2) In addition to the exemptions granted in ORS 830.092:

(a) A person operating a seaplane with a valid license issued by the Federal Aviation Administration (FAA) and a seaplane endorsement is not required to carry a boater education card. Seaplane pilots must possess a boater education card to operate a recreational boat.

(b) A person operating a motorboat in an authorized competitive marine event on a course authorized by the Marine Board, or engaged in practicing for a competitive power boat race on a course authorized by the Marine Board is not required to carry a boater education card.

Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.082 - ORS 830.096
Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01; OSMB 3-2003, f. & cert. ef. 3-31-03

250-018-0090

Fees

(1) The Boater Education Card fee is \$10.

(2) The Replacement card fee is \$8. The fee is waived if replacement is necessary because of a Marine Board error. The same number will be assigned on any replacement card as was assigned on the original.

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(3) Fees paid to the Marine Board for a boater education card or replacement card are not refundable.

(4) Active duty marine officers will not have to pay the \$10 fee for the boater education card. Non-active marine officers will have to pay the \$10 fee.

(5) An approved course provider acting under the authority of the Marine Board may charge a reasonable fee to recover costs associated with providing a boating safety course or equivalency exam.

(6) The Agency of the State Marine Board may charge a reasonable fee to recover the cost of providing educational materials used in safe boating courses. The fee schedule for materials shall be approved by the five members of the Marine Board who have been appointed by the Governor of the State of Oregon.

Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.082 – ORS 830.096
Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00; OSMB 10-2001, f. & cert. ef. 10-29-01

250-018-0100

Approved Course Providers

(1) Individuals and organizations who teach their own NASBLA approved boating safety course (i.e. U.S. Coast Guard Auxiliary, U.S. Power Squadron, American Power Boating Association) are considered approved course providers and are not required to get authorization from the Marine Board to deliver their boating safety courses.

(2) Individuals or private organizations who would like to teach the Oregon State Marine Board's NASBLA approved boating safety course must apply with the Marine Board to become approved course providers. To apply each instructor must:

- (a) Obtain an Oregon boater education card.
- (b) Submit a resume outlining their teaching and boating experience to the Marine Board.
- (c) Submit names and numbers of three references to the Marine Board.
- (d) Submit a course outline or agree to use the outline provided by the Marine Board.
- (e) Allow the Marine Board access to their classes for evaluation purposes.

(3) Public safety organizations or government agencies who would like to teach the Oregon State Marine Board's NASBLA approved boating safety course must apply with the Marine Board to become approved course providers. Public safety organizations or government agencies may be given approval to screen their own instructors, but must:

- (a) Meet with the Marine Board to discuss course outline and materials.
- (b) Allow the Marine Board access to their classes for evaluation purposes.

(4) The Marine Board will issue approved individuals and organizations an approved course provider number and place them in a database. A list of approved course providers and boating safety courses shall be kept by the Marine Board and made available to the public. This list does not constitute an endorsement of any course or course provider by the Marine Board.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.082 – ORS 830.096

Hist.: OSMB 6-2000, f. & cert. ef. 10-30-00

250-018-0110

Approved Internet Course Providers

(1) The Marine Board has the authority to regulate and approve Internet Boating Safety Courses. The Marine Board retains the rights to limit the number of Internet Boating Safety Courses. If one of the Internet Course Providers defaults, the next approved boating safety course on the waiting list will be chosen by the Marine Board following our internal policy.

(2) Individuals and organizations who would like to provide an approved boating safety Internet course must apply to the Marine Board to become an approved Internet course provider. To apply, each Internet course provider must, in the following order:

(a) Obtain NASBLA approval prior to Oregon state approval:

(b) Complete and submit, for Marine Board review and approval, the Marine Board Internet Course provider application and boating safety course.

(3) To meet the Marine Board's Internet standards, Internet course providers must:

(a) Be approved by NASBLA, Standards 1-7 and 9;

(b) Meet the Oregon Internet Approval Standards provided by the Marine Board;

(c) Write state-specific information consistent with NASBLA Standard #8. A link to the Marine Board website will not be accepted;

(d) Meet the requirements from 250-018-0020 - Minimum Standards for Boating Safety Education Competency, 2(D) and in accordance to NASBLA Testing Standards 1, 2, 3, and 4.

(4) An Internet course provider who offers boaters the option to obtain the Boater Education Card online must:

(a) Provide the Marine Board compatible electronic data files, as specified by the Marine Board, containing data of individuals who are eligible for their boater education card. Files will be transmitted once weekly on a day to be determined by the Marine Board. The files must contain specified information: name, date of birth, address, phone number, hair color, eye color, and gender;

(b) Provide the Marine Board weekly deposits, with deposit day and account to be determined by the Marine Board;

(c) Provide the Marine Board accounting section weekly reports indicating the cost of the card for each applicant and the total amount to be paid to the Marine Board;

(d) Provide the students information regarding security measures that are in place for financial transactions, before personal information is exchanged online. All transactions must follow industry security standards.

(5) All promotional materials and/or products to be used by the Internet course provider to promote website must be approved by the Marine Board before publishing and/or distribution to the public.

(6) An Internet course provider may charge a testing fee. The fee amount is at the discretion of the Internet course provider. However, the testing fee must be clearly communicated to the test taker prior to testing on the Internet course provider's website.

(7) A special cooperative agreement shall be entered into by the Marine Board with the Internet Course Provider approved Internet boating safety course. This agreement shall describe the responsibility of all party participants. Failure by the Internet Course Provider to execute the agreement within 90 calendar days of signature may result in cancellation. Breach of any condition in the agreement shall justify the Marine Board to seek any remedy available under applicable State law.

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