

A-Engrossed
House Bill 2652

Ordered by the House February 19
Including House Amendments dated February 19

Sponsored by Representatives GORSEK, MCKEOWN (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires outfitters and guides to rent, sell or otherwise make available helmets to all passengers **on any section of waters rated as class III or higher on commonly accepted scale of river difficulty.**

A BILL FOR AN ACT

1
2 Relating to the use of helmets on boats; amending ORS 704.070.

3 Whereas this 2019 Act shall be known as the Sharon Birge Memorial Whitewater Helmet Act;
4 and

5 Whereas increasing access to and availability of helmets has proven to reduce the incidence of
6 injury and lead to safer whitewater rafting; and

7 Whereas the Birge family has come together to advocate for greater safety on Oregon's
8 waterways to ensure that others can avoid tragedy and the loss of a loved one in an avoidable
9 recreational rafting accident; now, therefore,

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

11 **SECTION 1.** ORS 704.070 is amended to read:

12 704.070. (1) A person who acts or offers to act as an outfitter and guide using boats to carry
13 passengers on the waters of this state shall:

14 (a) Equip each nonmotorized boat that is under the direct operation of an outfitter and guide
15 or an employee of an outfitter and guide to carry passengers on waters rated as class III or higher
16 on a commonly accepted scale of river difficulty with a rescue throw bag, complete with a length
17 of artificial fiber rope and a buoyant bag;

18 (b) On any section of waters rated as class III or higher on a commonly accepted scale of river
19 difficulty, require that all persons physically providing outfitting and guiding services and all pas-
20 sengers wear a properly secured United States Coast Guard approved personal flotation device of
21 a type prescribed by rules adopted by the State Marine Board;

22 (c) If the outfitter and guide operates nonmotorized boats carrying passengers on any section
23 of waters rated as class III or higher on a commonly accepted scale of river difficulty, require that
24 all persons physically providing outfitting and guiding services:

25 (A) Prior to providing the services, have completed at least one trip on that section of waters
26 in a nonmotorized boat; and

27 (B) Have been trained in equipment preparation and boat rigging, understanding and recognizing
28 river characteristics and hazards, methods of scouting rapids, methods of physically guiding boats

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 through rapids, proper client communication, how to provide paddling and safety instruction and
2 methods of river rescue techniques, including emergency procedures and equipment recovery; [*and*]

3 (d) If the outfitter and guide is a charter guide, ensure that the vessel used to carry passengers
4 complies with the equipment requirements for charter vessels under ORS 830.450[.]; **and**

5 **(e) On any section of waters rated as class III or higher on a commonly accepted scale**
6 **of river difficulty, rent, sell or otherwise make available to all passengers helmets that meet**
7 **the standards established by the board by rule.**

8 (2) Subsection (1)(b) of this section does not apply to motorized boats that are inspected by the
9 United States Coast Guard.

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