

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	7 - 0 - 0
Yeas:	Boquist, Clem, Dingfelder, Macpherson, Maurer, Smith P., Roblan
Nays:	0
Exc.:	0
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	2/6, 2/8

WHAT THE MEASURE DOES: Amends the definition of “charge” in ORS 105.672 to specify that it does not include any amount received from a public body in return for granting permission for the public to enter or go upon the owner’s land.

ISSUES DISCUSSED:

- Loss of private land hunting access due to uncertainties over liability coverage
- Opportunities to expand public access programs
- Experiences with liability suits

EFFECT OF COMMITTEE AMENDMENT: No amendment

BACKGROUND: ORS 105.682 provides immunity from liability to landowners allowing public access for recreation provided the owner makes no charge for permission to use the land. There has been uncertainty over whether a landowner who accepts payment from a public body for access is still protected by the liability shield. The Oregon Department of Fish and Wildlife currently administers two programs that pay landowners to allow public access. HB 2445 clarifies that moneys received from a public body in return for granting public access is not considered charging admission and, therefore, does not affect a landowner’s immunity from liability.