

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Berger, Edwards, Garrard, Garrett, Gelser, Hanna, Jenson, Nolan, Read, Roblan
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Cheyenne Ross, Administrator
<b>Meeting Dates:</b>	2/15, 2/16

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**WHAT THE MEASURE DOES:** Modifies laws governing immunities provided to landowners who allow use of their land for recreational purposes, gardening, woodcutting or harvesting of special forest products. Removes fee for winter recreation parking permit or any other parking permit of \$15.00 or less per day, from definition of “charge.” Provides that if landowner imposes charge in excess of specified amount for listed use of land, immunity still applies to other uses for which no charge was imposed so long as notice is furnished; provides that if landowner imposes charge in excess of specified amount for use of particular area of land, immunity still applies to remainder of land, so long as notice is furnished.

**ISSUES DISCUSSED:**

- History of recreational immunity laws
- Encouraging landowners, particularly private ones, to allow access and recreation on their land

**EFFECT OF COMMITTEE AMENDMENT:** Requires landowner to also provide notice in order to retain immunities and defines what constitutes proper notice. Removes fee for winter recreation parking permit or any other parking permit of \$15.00 or less per day, from definition of “charge.”

**BACKGROUND:** ORS 105.682 provides immunity from suit for personal injury, death or property damage against both public and private landowners who allow others to use their property for recreational purposes, woodcutting, and the harvest of special forest products. House Bill 2003 (2009) added gardening to this list, and extended the same immunity to adjacent landowners who allow the public to travel across their property to access such areas for the listed purposes.

In 2009, a lawsuit was brought against the Oregon Parks and Recreation Department and argued before the Supreme Court that determined the State could still be liable for injuries sustained by a person in an area open to everyone at no charge. (*Bradley Coleman v. Oregon Parks and Recreation Department*, SC S056563.) House Bill 3673A seeks to address concerns raised by the *Bradley* case about the adequacy of immunity offered under current law.