

A-Engrossed House Bill 2865

Ordered by the House April 18
Including House Amendments dated April 18

Sponsored by Representative GARRETT; Representative GREENLICK, Senator BURDICK (Presession 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.

Extends immunity to owner of land [*for allowing public entry upon land for using public trails*] **or city of population of 500,000 or more or city's officers, employees or agents for personal injury or property damage resulting from specified uses of certain publicly accessible trails or structures.**

[*Clarifies language and conforms language to form and style requirements.*]

A BILL FOR AN ACT

Relating to landowner liability for public use of land.

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

SECTION 1. (1) As used in this section:

(a) **"Structures" means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.**

(b) **"Unimproved right of way" means a platted or dedicated public right of way over which a street, road or highway has not been constructed to the standards and specifications of the city with jurisdiction over the public right of way and for which the city has not expressly accepted responsibility for maintenance.**

(2) **A personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:**

(a) **A city with a population of 500,000 or more;**

(b) **The officers, employees or agents of a city with a population of 500,000 or more to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285; or**

(c) **The owner of land abutting the public easement, or unimproved right of way, in a city with a population of 500,000 or more.**

SECTION 2. Section 1 of this 2011 Act applies to use of an unimproved right of way, as defined in section 1 of this 2011 Act, or public easement on or after the effective date of this 2011 Act.

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.