

**SENATE AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2865**

By COMMITTEE ON JUDICIARY

June 9

1 In line 20 of the printed A-engrossed bill, delete “or”.

2 In line 22, delete the period and insert “; or

3 “(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail  
4 or the structures in a public easement or unimproved right of way in a city with a population of  
5 500,000 or more.

6 “(3) Notwithstanding the limit in subsection (2) of this section to a city with a population of  
7 500,000 or more, by adoption of an ordinance or resolution, a city or county to which subsection (2)  
8 of this section does not apply may opt to limit liability in the manner established by subsection (2)  
9 of this section for:

10 “(a) The city or county that opts in by ordinance or resolution;

11 “(b) The officers, employees or agents of the city or county that opts in to the extent the offi-  
12 cers, employees or agents are entitled to defense and indemnification under ORS 30.285;

13 “(c) The owner of land abutting the public easement, or unimproved right of way, in the city  
14 or county that opts in by ordinance or resolution; and

15 “(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail  
16 or the structures in a public easement or unimproved right of way in the city or county that opts  
17 in.

18 “(4) The immunity granted by this section from a private claim or right of action based on  
19 negligence does not grant immunity from liability:

20 “(a) Except as provided in subsection (2)(b) or (3)(b) of this section, to a person that receives  
21 compensation for providing assistance, services or advice in relation to conduct that leads to a  
22 personal injury or property damage.

23 “(b) For personal injury or property damage resulting from gross negligence or from reckless,  
24 wanton or intentional misconduct.

25 “(c) For an activity for which a person is strictly liable without regard to fault.”.

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