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Vote No HB 2016
Unintended Consequences Cause Safety Risk
David Sugerman, Oregon Trial Lawyers Association, Legislative Committee

Chair Read and members of the Committee, thank you for considering this written testimony in opposition to HB 2016. The bill grants immunity to landowners who open their property to non-commercial aviation.

What may not be apparent is that there are several unintended consequences of the legislation:

Confusion of landowner rights-What may not be apparent to consumers and landowners is that qualifying for immunity means opening the property to all recreational purposes. A landowner who believes that she or he is simply allowing private general aviation users to land and take off are giving up much, much more. The land becomes open to anyone for any recreational purpose. It is easy to foresee chaos here:

- People may come on the land and remain there for any recreational purpose, including, for example, camping. The landowner cannot remove the recreational user, even a long term camper, and maintain immunity.
- Groups of users could enter the land for recreational purposes. A civic, political, or environmental group might choose to host a day-long picnic or outdoor seminar on the landowner's property. There can be no exclusion.
- Families could choose to have a cook out on the landing strip.

Unintended hazards- By inviting recreational users on to the land, the legislation creates unintended hazards. Airplanes and family camping do not mix. Yet, the structure of the legislation specifically creates these unintended hazards. We should not be promoting policies that create extremely dangerous conditions.

Commercial vs. non-commercial uses- The immunity applies to non-commercial aviation. But that is not nearly as neat as one would think. The same plane and same pilot may be commercial or non-commercial depending on what the pilot is doing and whether the pilot is paid or someone else pays for use of the plane. Are those commercial activities? If so, there is no immunity. But if the same pilot, flying the same plane is doing so with passengers who are not paying, immunity applies. This seems uneven at best and potentially problematic in many ways.

Between safety issues and unintended consequences, the Oregon Trial Lawyers Association urges your opposition to HB 2016.