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Vote No HB 3465

Unintended Consequences Put Oregon Children at Risk

Travis Prestwich, Oregon Trial Lawyers Association, Legislative Committee

Chair Barker and members of the Committee, thank you for considering this written testimony in opposition to HB 3465. My name is Travis Prestwich and I'd like to voice my concerns that this bill creates unintended consequences putting our children at risk.

For those of us who grew up in Oregon, some of our best childhood memories were made camping. Outdoor school. Summer sleep away camp. Church camp. Summer enrichment programs. All have nurtured Oregon kids for years. These kids depend on us to keep them safe and summer camp is no exception.

HB 3465 provides immunity for dangerous conditions at camp. It exempts camp owners who rent unsafe facilities from being held accountable.

This immunity bill puts Oregon children at risk. Under the bill, an owner of a camp facility is not responsible for a hazard—like improperly built, unsafe cabins—unless the owner knew that the buildings were a hazard that violated Oregon Health Division rules. Section 1 grants immunity to any landlord who “unknowingly” violates Health Division rules. That’s true for toxic chemicals standards, cabin fire safety rules, water hazard system problems, sanitation system failures, and the like. Even though the owner is profiting by renting the land, the owner is not held accountable, as long as the owner does not have actual knowledge of the hazard.

The longstanding rule that ignorance is no defense gets tossed out the window. This legislation actually encourages camp owners to not know things, like Health Division rules, whether something is a hazard, and the condition of buildings and water systems. Whether unwittingly or by design, this legislation puts Oregon’s children at risk.

This legislation sends the absolute wrong message to these property owners, “Ignorance is your best defense.” A message we would never teach our kids. So rather than encourage camp owners to identify safety hazards and fix them, this legislation suggests these owners bury their heads in the sand and remain in the dark about the condition of their property and they will be rewarded with immunity.

One can imagine a catastrophe arising from a fire that starts in an improperly built cabin. State Health Division rules exist to regulate things like safe sleeping quarters, to set fire safety standards, and yet the supporters want a complete pass on responsibility. Our children deserve better.

Because of the high risk to Oregon children, the Oregon Trial Lawyers Association urges your opposition to HB 3465.