

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

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Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Laura Handzel, Administrator

Meeting Dates: 3/30

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**WHAT THE MEASURE DOES:** Revises Oregon ski statutes to allow ski area operators to limit liability except in cases of intentional acts or gross negligence. Defines terms. Clarifies skier responsibilities. Applies to activities occurring on or after the effective date. Declares emergency, takes effect on passage.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The State of Oregon includes thirteen ski areas, and Oregon's ski statutes date back to 1979. Recently there have been revived discussions regarding the liability of ski areas and to what degree it may be limited. This occurred, for instance, in the case of *Bagley v. Mt. Bachelor, Inc.*, decided by the Oregon Supreme Court in December of 2014. The question in *Bagley* was whether an anticipatory release of a ski operator's liability for its own negligence was enforceable where plaintiff asserts a violation of public policy rendering it unconscionable. The Bagley Court found in favor of the plaintiff on this question and remanded the case back to the trial court, where the case currently remains.

Senate Bill 849 revises Oregon ski statutes to allow ski area operators to limit liability except in cases of intentional acts or gross negligence. The bill defines terms related to skiing. Senate Bill 849 also clarifies skier responsibilities. The bill applies to activities occurring on or after the effective date. It declares an emergency and takes effect on passage.

3/27/2015 4:12:00 PM \*

*This summary has not been adopted or officially endorsed by action of the committee.*