

My wife and I are in support of SB341 regarding Limited Liability for Agritourism providers. We own a farm in Yamhill County and have a pumpkin patch. We started our pumpkin patch in 1994 and have been providing a fun activity for families for 21 years. During that time we have only had two significant injuries, both of which were ankle fractures on our slides. The slides have been modified to address the problem. We have entertained tens of thousands of people safely at our pumpkin patch during that time.

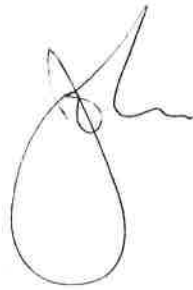
This year for the first time our insurance company, Country Mutual, is changing our insurance coverage, increasing our costs and asking for changes in our operation. Some of these changes we were already making, some won't affect us much, but some will completely eliminate parts of our operation that people enjoy. One example is a requirement to add watch towers to our corn maze. We have never had an accident in the corn maze or a customer that got lost. This is an example of an insurance company having concerns over unnecessary liability. We feel that SB 341 would address a concern that insurance companies have in covering events such as ours.

My full time job is as an emergency physician at St. Vincent's Medical Center in Portland. I am also the medical director for nine fire departments, two large industrial sites and the Yamhill County Sheriff's Office. Taking care of injured patients is my occupation. My wife and I work very hard at keeping our operation safe. It is very important to us that our customers have a safe experience at our farm. As a physician, I am well aware of the risks of malpractice. This bill would not limit the ability of a customer to seek compensation for a negligent act on a farm engaged in Agritourism. It would only limit frivolous lawsuits resulting from accidents that would occur on a farm that were not under the control of the farm operator. For example, on our hay rides, which are an important part of the pumpkin patch experience, a customer were to ignore the warning signs to stay seated and then were to fall off the wagon, it is not reasonable for the farm to be responsible.

After the changes proposed this year by our insurance company, I worry about the long term viability of our operation due to increased insurance costs or even the lack of ability to find an insurance provider.

I would hope that common sense prevails and the opposition of the trial lawyers is considered in perspective. If operations such as ours are limited in what we can offer or are forced to discontinue their operation, the losers are the citizens of Oregon.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Heiser', with a large, stylized loop at the bottom.A handwritten signature in black ink, appearing to be 'Kristi Heiser', written in a cursive style.

John & Kristi Heiser

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