

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Laura Handzel, Administrator

Meeting Dates: 5/21

WHAT THE MEASURE DOES: Adds “aviation activity” to Oregon’s Recreational Use Statute. Defines terms. Limits liability of private land owners with respect to aviation activities but with exceptions. Does not apply to owners of public airstrips. Applies to person injuries, death and property damage occurring on or after the effective date.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon’s Recreational Use Statute (RUS) contained at ORS 105.672 and subsequent includes a Legislative Assembly declaration that it is the public policy of the State to encourage land owners to make their land available to the public for recreational purposes. “Recreational purposes” is defined to include a wide range of activities. Aviation activities, however, are not included. Out of all Western states only Oregon and Colorado fail to include aviation in their RUS.

House Bill 2038 amends Oregon’s RUS to include aviation activities. Specifically, the bill limits the liability of private land owners for personal injury, death or property damage arising from the use of land for aviation activities unless: 1) The owner is contacted by the pilot prior to flight; 2) The owner provides permission to the pilot to use their land; and 3) The owner exercises gross negligence causing injury, death or property damage related to the flight. House Bill 2038 does not apply to owners of public airstrips.

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