

Testimony in Favor of House Bill 2038-A
Arthur Towers, Oregon Trial Lawyers Association
Senate Judiciary Committee
May 21, 2015

Thank you for the opportunity to testify today. OTLA supports the compromise reached in HB 2038-A. As you know, we are very concerned about legislation that prevents injured Oregonians from having their day in court. Juries should be trusted to make reasonable decisions based on the facts of a case.

HB 2038-A largely preserves the rights of Oregonians to have their day in court, while also enhancing the rights of property owners who own private airstrips.

HB 2038-A provides an incentive to pilots to check in with airstrip owners in advance, and follow other established procedures and protocols. If there are injuries that are caused by the airstrip operator, then pilots who have followed the protocols have to prove gross negligence on the part of the airstrip operator.

Those who have not contacted the airstrip operator in advance and land without permission have to prove that it was the intent of the airstrip operator to cause harm.

HB 2038-A does not put any artificial barriers in place that would make it difficult for a case to get to a jury. HB 2038-A does not create extraordinary timelines for a suit to be brought. This means that – while the standard for proof is tougher than ordinary negligence – Oregon’s pilots and passengers can have their day in court.