

**Enrolled**  
**House Bill 2038**

Sponsored by Representative HUFFMAN; Representatives MCLANE, WHISNANT (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to limited liability for aviation use of land.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

(a) "Airstrip" means land that contains a runway or heliport operated and maintained for the takeoff and landing of motorized aircraft and that is registered with the Oregon Department of Aviation or the Federal Aviation Administration at the time of the flight at issue.

(b) "Aviation activity" includes but is not limited to hang gliding, parachuting, paragliding and operating airplanes or ultralight aircraft.

(c) "Charge" has the meaning given that term in ORS 105.672.

(d) "Land" has the meaning given that term in ORS 105.672.

(e) "Nonpublic airstrip" means an airstrip that is registered as a private use airport with the Oregon Department of Aviation or the Federal Aviation Administration at the time of the flight at issue.

(f) "Owner" has the meaning given that term in ORS 105.672.

(g) "Public airstrip" means an airstrip that is not a nonpublic airstrip.

(2) An owner of land is not liable for any personal injury, death or property damage arising from the use of land for purposes of aviation activity, unless the owner intentionally causes the injury, death or property damage.

(3) Subsection (2) of this section does not apply to any of the following:

(a) An owner of a public airstrip.

(b) An owner of a nonpublic airstrip if:

(A) The owner is contacted by the operator of a motorized aircraft prior to the beginning of the aircraft's flight;

(B) The owner provides permission to the operator to use the owner's land for activities related to the aircraft's flight; and

(C) Gross negligence of the owner causes injury, death or property damage related to the aircraft's flight.

(c) An owner of land who imposes a charge for the use of the land for aviation purposes.

**SECTION 2.** Section 1 of this 2015 Act applies to personal injuries, death and property damage that occur on or after the effective date of this 2015 Act.

**Passed by House April 9, 2015**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 1, 2015**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State