

**A-Engrossed**  
**House Bill 2038**

Ordered by the House April 7  
Including House Amendments dated April 7

Sponsored by Representative HUFFMAN (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Modifies definition of "recreational purposes" for purpose of limiting liability of owners of land that allow public use of land for recreational activity, including aviation activity.]*

**Limits liability of owners of land for damages resulting from use of land for aviation purposes.**

**A BILL FOR AN ACT**

1  
2 Relating to limited liability for aviation use of land.

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

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

5 (a) **"Airstrip" means land that contains a runway or heliport operated and maintained for**  
6 **the takeoff and landing of motorized aircraft and that is registered with the Oregon De-**  
7 **partment of Aviation or the Federal Aviation Administration at the time of the flight at is-**  
8 **sue.**

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

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

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

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

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

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

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

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

22 (a) **An owner of a public airstrip.**

23 (b) **An owner of a nonpublic airstrip if:**

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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