

# D R A F T

## SUMMARY

Immunizes landowner from claims by invitees, guests, permittees and licensees who, free of most charges, use the land for certain recreational, resource and outdoor purposes.

### A BILL FOR AN ACT

Relating to landowner liability to certain additional classes of persons; amending ORS 105.676 and 105.682.

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

**SECTION 1.** ORS 105.676 is amended to read:

105.676. [*The Legislative Assembly hereby declares*] It is the public policy of the State of Oregon to encourage owners of land to make their land available [*to the public*] for recreational purposes, for gardening, for woodcutting and for the harvest of special forest products by limiting [*their*] **owners'** liability toward persons entering [*thereon*] **their land** for such purposes and by protecting [*their*] **owners'** interests in their land from the extinguishment of any such interest or the acquisition by the public of any right to use or continue the use of such land for recreational purposes, gardening, woodcutting or the harvest of special forest products.

**SECTION 2.** ORS 105.682 is amended to read:

105.682. (1) Except as provided by subsection (2) of this section[,] and subject to the provisions of ORS 105.688, an owner [*of land*] is not liable in contract or tort for any personal injury, death or property damage that arises out of the use of the **owner's** land for recreational purposes, gardening, woodcutting or the harvest of special forest products when the owner [*of*

1 *land*] either directly or indirectly permits any person, **including any**  
2 **invitee, guest, permittee or licensee, and without regard to whether**  
3 **the use is available to the general public**, to use the land for recreational  
4 purposes, gardening, woodcutting or the harvest of special forest products.  
5 The limitation on liability provided by this section applies if the principal  
6 purpose for entry upon the land is for recreational purposes, gardening,  
7 woodcutting or the harvest of special forest products, and is not affected if  
8 the injury, death or damage occurs while the person entering land is engag-  
9 ing in activities other than the use of the land for recreational purposes,  
10 gardening, woodcutting or the harvest of special forest products.

11 (2) This section does not limit the liability of an owner [*of land*] for in-  
12 tentional injury or damage to a person [*coming onto*] **entering** land for rec-  
13 reational purposes, gardening, woodcutting or the harvest of special forest  
14 products.

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