

# D R A F T

## SUMMARY

Extends recreational immunity to employees and agents of owner of land when acting within scope of duties and those with private property interests in land.

### A BILL FOR AN ACT

Relating to recreational immunity from claims of persons entering land for certain purposes; amending ORS 105.672; and declaring an emergency.

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

**SECTION 1.** ORS 105.672 is amended to read:

105.672. As used in ORS 105.672 to 105.696:

(1) "Charge":

(a) Means the admission price or fee requested or expected by an owner in return for granting permission for a person to enter or go upon the owner's land.

(b) Does not mean any amount received from a public body in return for granting permission for the public to enter or go upon the owner's land.

(c) Does not include the fee for a winter recreation parking permit or any other parking fee of \$15 or less per day.

(2) "Harvest" has that meaning given in ORS 164.813.

(3) "Land" includes all real property, whether publicly or privately owned.

(4) "Owner" means:

(a) The possessor of any interest in any land, [*such as*] **including but not limited to** the holder of [*a fee*] **any legal or equitable** title, a tenant, a lessee, an occupant, the holder of an easement, the holder of a right of

1 way or a person in possession of the land;

2 **(b) An officer, employee, volunteer or agent of a person described**  
3 **in paragraph (a) of this subsection, while acting within the scope of**  
4 **assigned duties; and**

5 **(c) A director, partner, general partner, shareholder, limited liabil-**  
6 **ity company member, limited liability partner or limited partner of a**  
7 **person described in paragraph (a) of this subsection.**

8 (5) "Recreational purposes" includes, but is not limited to, outdoor activ-  
9 ities such as hunting, fishing, swimming, boating, camping, picnicking, hik-  
10 ing, nature study, outdoor educational activities, waterskiing, winter sports,  
11 viewing or enjoying historical, archaeological, scenic or scientific sites or  
12 volunteering for any public purpose project.

13 (6) "Special forest products" has that meaning given in ORS 164.813.

14 (7) "Woodcutting" means the cutting or removal of wood from land by an  
15 individual who has obtained permission from the owner of the land to cut  
16 or remove wood.

17 **SECTION 2. This 2017 Act being necessary for the immediate pres-**  
18 **ervation of the public peace, health and safety, an emergency is de-**  
19 **clared to exist, and this 2017 Act takes effect on its passage.**

20

---