Senate Bill 754
Sponsored by Senators WOODS, HANSELL, Representative LIVELY; Senator KNOPP, Representatives GOMBERG, HELM

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 as introduced.

Provides that operator may require person who engages in sport, fitness or recreational activity in various ways to release operator from claims for ordinary negligence.

Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to releases of liability; and declaring an emergency.

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

SECTION 1. (1) As used in this section:
(a) “Operator” means a person that:
(A) Offers persons the opportunity to participate in a sport, fitness or recreational activity; or
(B) Operates or provides a facility or place where a person can participate in a sport, fitness or recreational activity.

(b) “Sport, fitness or recreational activity” means an indoor or outdoor activity involving elements of inherent risk, including but not limited to hunting, fishing, swimming, boating, rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports, climbing, equestrian and rodeo activities, hiking, outfitter guiding, ocean and water sports, motorized recreation, athletic or fitness competitions or fitness and training activities.

(2) Except as provided in subsection (3) of this section, an operator may require a person who participates in a sport, fitness or recreational activity, rents equipment for a sport, fitness or recreational activity, uses a facility for a sport, fitness or recreational activity or volunteers to maintain facilities or places used for sport, fitness or recreational activities, to release the operator from any claim for ordinary negligence before the person participates in the sport, fitness or recreational activity, rents equipment, uses a facility or volunteers.

A release described in this subsection is not unconscionable or void as contrary to public policy.

(3) An operator may not require a person to release the operator for claims that constitute greater than ordinary negligence. A release described in this subsection is severable from a release for ordinary negligence required by the operator.

SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2023 Act applies to releases executed before, on or after the effective date of this 2023 Act.
(2)(a) Section 1 of this 2023 Act does not apply to the release of any claim for which a final judgment has been entered before the effective date of this 2023 Act.
(b) As used in this subsection, “final judgment” means a judgment for which the time to

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.

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appeal has expired without any party filing an appeal or that is not subject to further appeal or review.

SECTION 3. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.