

# Senate Bill 483

Sponsored by Senator BONHAM (Pre-session 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 **as introduced**.

Allows operator offering or providing facilities for inherently dangerous sporting activity to require patron to provide anticipatory release from certain claims for liability, including claims arising out of negligence of operator and claims for unreasonable conditions created by operator. Provides that release is not unconscionable.

Declares emergency, effective on passage.

### A BILL FOR AN ACT

Relating to inherently dangerous sporting activities; and declaring an emergency.

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

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

(a) **“Inherently dangerous sporting activity” includes but is not limited to alpine skiing and nordic skiing.**

(b) **“Operator” means a person who:**

(A) **Offers patrons the opportunity to participate in an inherently dangerous sporting activity; or**

(B) **Operates a facility in which a patron can participate in an inherently dangerous sporting activity.**

(2) **Except as provided in subsection (3) of this section, an operator may require participants in an inherently dangerous sporting activity to release the operator from claims for liability, including but not limited to claims arising out of the negligence of the operator and claims for unreasonable conditions created by the operator that are not inherent to the activity, before participating in the inherently dangerous sporting activity. A release described in this subsection is not unconscionable.**

(3) **An operator may not require a patron to release claims for intentional acts or for gross negligence.**

**SECTION 2. Section 1 of this 2023 Act applies to releases executed before, on and after the effective date of this 2023 Act.**

**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.**

**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.