

February 15, 2023

Senate Committee on Judiciary
900 Court Street NW
Salem, OR 97301

RE: SB 754 Recreational Liability Reform

Chair Prozanski and Members of the Committee:

This letter is being written in support of SB 754 to help protect consumers ability to recreate in Oregon.

I am a Senior Vice President within AmWins the largest wholesale insurance broker in North America. I manage the MountainGuard Program who has been one of the largest insurers of ski and summer recreation facilities for the last 61 years. I have been involved in risk management, safety, and insurance for recreation providers for the last 26 years.

We support SB 754 as there is growing concern over the insurability of recreation in the State of Oregon. We now underwrite Oregon differently than the rest of the Western US States because of the erosion of the enforceability of releases in the State of Oregon. All other Western States the provider and user have the ability to enter into a release or acknowledgement of risk agreement.

Examples of some of the recreation activities we insure are skiing and snowboarding, tubing, snowcat/heli skiing, mountain biking, cycling, e-biking, snowmobiling, paddleboarding, kayaking, hiking, golf, sightseeing, fishing, camping, swimming, climbing walls, youth camps, youth ski teams, avalanche education, recreation day care, disability programs, sport competitions, ziplines, adventure courses, weddings and outdoor concerts and festivals.

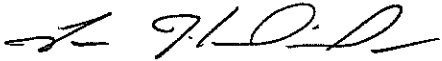
We are in an uncertain time in Oregon because of the lack of provider and consumer protection from the unenforceability of release. In the best-case scenario insurance premiums will continue to increase for recreation provides in Oregon. This increase will no doubt be passed down to the consumer thus limiting access to some people. In the worst case and more likely scenario, some recreation will become uninsurable which will lead to reduction in recreational opportunities for citizens of Oregon.

MountainGuard is one of two insurance programs in the United States that will support and insure the long-term viability of the ski and summer recreation industry. The Oregon Ski Industry has been hit with not only uncertainty in the liability landscape but also significant uncertainty in the property insurance market due to wildfire risk and other catastrophic risks that are driving insurance premiums. Uncertainty in the insurance landscape is never good for the end user as it leaves insurers only two choices:..... increase rates or leave the market.

Supporting SB 754 will have a direct result on mitigating increased insurance premiums and help ensure recreation opportunities exist for the people of Oregon.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Hendrickson", written in a cursive style.

Tim Hendrickson