



February 11, 2023
Senate Committee on Judiciary
900 Court Street NE
Salem, Oregon 97301

Re: Support for SB 754 Liability Waivers

Dear Chairman Prozanski, Vice Chair Thatcher and Committee Members:

As Oregonians, recreation is part of who we are. It is vital to countless livelihoods and enhances the well-being of all constituents. Because of recent inequitable court rulings surrounding liability waivers, our invaluable, world-recognized recreational resource is in jeopardy. The long-standing, equitable approach to liability waivers needs to be restored. Without this protection there is no balance between personal responsibility and business accountability.

SB 754 does not and is not intended to evade accountability or circumnavigate the court system, it simply resets the negligence bar where it was for decades, and where it stands in every other Western state.

My family has operated Timberline since 1955, a National Historic Landmark and Oregon icon employing hundreds of people annually. As a direct repercussion of the recent Skibowl mountain bike park judgment, Timberline's bike park insurance was cancelled in the fall of 2022, requiring our bike park to close. This cut our season short, adversely impacting our employees, including but not limited to trail crews, lift operators, mechanics, patrol, hotel and restaurant staff. Without liability reform, this is a harbinger of things to come.

The courts have effectively nullified Oregon liability waivers, impacting recreation accessibility for people across our state. Currently, unlike every other Western state, the extent of personal responsibility where a person has been or could be injured while participating in activities where inherent risk exists must be determined by case law. This is a lengthy and expensive process for businesses, and for taxpayers funding the court system. Businesses cannot always afford to defend their position in court and are forced to settle lawsuits even when it is obvious the injury can be attributed to the inherent risks of an activity or the plaintiff's own actions and decisions. The current situation is precarious and a threat to Oregon recreation providers who are facing greater insurance and legal pressures compared to similar businesses elsewhere in the country.



The Oregon liability landscape for recreation providers is out of balance. Lawsuits need to recognize the fundamental principle of personal responsibility. The recreational opportunities we have enjoyed for so long in Oregon will be diminished or lost, with jobs and families paying a high price.

Along with bipartisan legislative backing and a broad coalition of recreational organizations from across Oregon, Timberline supports SB 754.

Sincerely,

Jeff Kohnstamm
President / Area Operator
Timberline