



DEPARTMENT OF HEALTH, PHYSICAL EDUCATION, AND LEADERSHIP

February 14, 2023

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

Re: SB 754 Recreational Liability Reform

Chair Prozanski and Members of the Committee:

I am writing this letter in support of SB 754 which will hopefully provide essential recreation liability reform. I am a professor at Southern Oregon University who teaches in the Outdoor Adventure Leadership (OAL) degree program where we have undergraduate and graduate students who will be some of leaders of Oregon's outdoor recreation economy. As future guides and business entrepreneurs, my students are very concerned about the need for liability waivers that hold participants responsible for making informed decision about their actions. It is vital that Oregon's laws uphold liability waivers just like every other Western US state. Lawsuits that fail to uphold personal responsibility, such as the Mt. Hood Skibowl lawsuit, set a dangerous precedence for the future of outdoor recreation in Oregon. Eliminating all risks within outdoor recreation, and indeed any recreation, is simply impossible. Outdoor recreation is inherently risky and we have a comprehensive curriculum at SOU that teaches students how to assess risks and mitigate risks with best practices. We teach avalanche rescue, technical rope rescue, swiftwater rescue, and specific risk management classes geared towards assessing and mitigating risks. One area we focus on is the importance of informing guests about the inherent risks involved in outdoor recreation. One tried and true tool for passing knowledge to guest is through the liability waiver. The liability waiver has laid the foundation for outdoor activities for years. The liability waiver does not protect against gross negligence and it was never intended to do so but it does hold participants accountable for making decisions about their actions and helps strike a balance between business accountability and personal responsibility. Let's not doom the outdoor recreation economy to unsustainable insurance rates and lawsuits that have the potential to close down valuable outdoor recreation to future generations. The current legal landscape in Oregon remains uncertain. SB 754 has the potential to bring some clarity to the judicial process for protecting the future of outdoor recreation in Oregon.

I respectfully ask for your support of SB 754.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Thatcher'.

Dr. Chad Thatcher
Associate Professor
Outdoor Adventure Leadership Program
Master of Outdoor Adventure & Expedition Leadership Program