

February 15, 2023

Senate Judiciary Committee

**Testimony of Brian Boice**

**No on Senate Bill 754**

Dear Chair and members of the Committee, my name is Brian Boice, and this letter is to urge a no vote on Senate Bill 754 (SB 754). On January 16, 2021, my son and I were injured at Mt. Bachelor in a terrifying incident. Unfortunately, my wonderful 9-year-old son, Brecken Boice, died of his injuries that day. I escaped with my life, and a lifetime of emotional trauma from the memory of watching my son take his last breath. What was supposed to be a fun family trip turned into a parent's worst nightmare.

Absent the negligence of the ski resort's management and staff, I believe the incident could have been avoided. A ski resort is no different from any other large business with paying customers and shouldn't be treated any differently in terms of its liability for its negligent acts. Without the ability to seek fair legal redress, unfortunately, I believe ski resorts would have little incentive to take responsibility for their errors. Errors that forever impact families like mine.

I owe it to my son, and to the families who will surely ski in the future, to fight against this push to allow ski resorts to sidestep a basic level of service – to not behave in a negligent manner that results in harm to your customers. I am not asking for a lowered standard of care. I am asking them to be held to the same standard as the rest of us—to act with reasonable care—and to face accountability if they do not.

Brecken was a kindhearted boy who was active in several sports, and he truly loved skiing. In addition to skiing, Brecken was actively participating in gymnastics and parkour; the day before he passed away, he was trying to land a front flip, while effortlessly performing handsprings in the yard of the lodge we were staying in. Brecken had a bright athletic and academic future. I know that nothing I do now will bring Brecken back to me, his mother, his brother, and his other family and friends who loved him; but as a parent who is grieving, I owe it to other families to ensure that their family members can hold a ski resort responsible for its negligent acts or omissions.

Oregon already has laws that protect the ski industry and do not allow them to be sued for “inherent risks” of skiing. The passage SB 754 would further insulate ski resorts above other industries doing business in Oregon by providing a government shield against accountability—accountability for their poor decisions that then cause a person to live out their life with a debilitating injury or cause someone's life to end, forever impacting the lives their family and friends.

I believe that the passage of SB 754 will increase the incidents of serious injury and death experienced at Oregon ski resorts; I couldn't imagine anything worse than to create more broken families like mine while also ensuring that people and corporations who act in a negligent manner are secure in knowing that the broken families have no rights, or extremely limited rights, to seek redress. Ski resorts can prevent lawsuits by using their considerable resources to run their resorts carefully and thoughtfully, in a way that minimizes the potential for harm. This is the right way to avoid legal liability—to do the right thing in the first place. That is what we are all taught from our parents and grade-school teachers—do right by those around you. This is what I taught my son. So it is what I am standing for today.

I urge a no vote on SB 754