

LC 143
2026 Regular Session
1/12/26 (MNJ/ps)

D R A F T

SUMMARY

Digest: The Act changes some laws about lawsuits that are about skiing.
(Flesch Readability Score: 72.6).

Modifies provisions relating to liability related to skiing.

1 A BILL FOR AN ACT

2 Relating to civil litigation; creating new provisions; and amending ORS
3 30.970.

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

5 **SECTION 1.** ORS 30.970 is amended to read:

6 30.970. As used in ORS 30.970 to 30.990:

7 **(1) “Constructed feature” means any human-made or otherwise ar-**
8 **tificially constructed feature for skiing upon, including those created**
9 **for mountain passage or navigation, such as cat tracks and get backs,**
10 **and those designed for freestyle use, such as terrain parks, jumps,**
11 **rails, fun boxes, half-pipes, quarter-pipes, rails and freestyle-bump**
12 **terrain.**

13 **[(1)] (2) “Inherent risks of skiing” includes, but is not limited to, those**
14 **dangers or conditions which are an integral part of the sport, such as**
15 **changing weather conditions, variations or steepness in terrain, snow or ice**
16 **conditions, surface or subsurface conditions, bare spots, creeks and gullies,**
17 **forest growth, rocks, stumps, lift towers and other structures and their**
18 **components, collisions with other skiers and a skier’s failure to ski within**
19 **the skier’s own ability.**

20 **[(2)] (3) “Injury” means any personal injury or property damage or loss.**

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.

1 [(3)] (4) “Skier” means any person who is in a ski area for the purpose
2 of engaging in the sport of skiing or who rides as a passenger on any ski lift
3 device.

4 (5) **“Skiing” means self-propelled or gravity-propelled travel on skis
5 or a snowboard within a ski area.**

6 [(4)] (6) “Ski area” means any area designated and maintained by a ski
7 area operator for skiing.

8 [(5)] (7) “Ski area operator” means those persons, and their agents, offi-
9 cers, employees or representatives, who operate a ski area.

10 (8) **“Ski slopes or trails” means all ski slopes or trails and adjoining
11 skiable terrain, including all their edges and features.**

12 **SECTION 2. Sections 3 and 4 of this 2026 Act are added to and made
13 a part of ORS 30.970 to 30.990.**

14 **SECTION 3. (1) Except as provided in subsection (2) of this section,
15 a ski area operator may require a person 18 years of age or older who
16 purchases a lift ticket or season pass to release the operator from
17 claims for ordinary negligence for injuries sustained during the act of
18 skiing. A release described in this subsection is not unconscionable or
19 void as contrary to public policy if it complies with subsection (2) of
20 this section.**

21 **(2) A ski area operator may not require a person to release the op-
22 erator from:**

23 **(a) Claims for greater than ordinary negligence, including gross
24 negligence;**

25 **(b) Claims relating to any injury not sustained during the act of
26 skiing;**

27 **(c) Claims relating to any injury involving a snow mobile, snow cat,
28 chair lift, passenger tramway, motor vehicle or other type of equip-
29 ment used by a ski area operator; or**

30 **(d) Claims arising out of the statutory duties of a ski area operator
31 set forth in section 4 of this 2026 Act.**

1 (3) A release that is broader than described in subsections (1) and
2 (2) of this section is void in its entirety.

3 (4) A ski area operator shall provide an opportunity for a person
4 who purchases a lift ticket or season pass to opt out of the release
5 described in subsections (1) and (2) of this section for a fee not to ex-
6 ceed 10 percent of the price paid for the lift ticket or season pass.

7 (5) Nothing in this section shall be construed to alter the public
8 policy of this state disfavoring preinjury releases of negligence except
9 as expressly provided herein.

10 SECTION 4. (1)(a) A ski area operator has the duty to inspect a ski
11 slope or trail before opening the area to skiing and to evaluate
12 whether there are any hazards beyond the inherent risks of skiing.

13 (b)(A) A ski area operator has the following duties to warn:

14 (i) Within ski slopes and trails opened by the ski area operator, a
15 ski area operator shall mark natural hazards that are not readily vis-
16 ible to skiers under conditions of ordinary visibility from a distance
17 of at least 100 feet, including bare spots, creeks, gullies, cliffs, rocks
18 and stumps.

19 (ii) A ski area operator shall mark hydrants, water pipes and all
20 other human-made structures on ski slopes and trails that are not
21 readily visible to skiers under conditions of ordinary visibility from a
22 distance of at least 100 feet and shall adequately and appropriately
23 cover the obstructions with a shock-absorbent material that will
24 lessen injuries.

25 (B) A marker required under this paragraph must be visible from
26 a distance of 100 feet and may not itself create a hazard to skiers.

27 (c) A ski area operator has the duty to design, construct and
28 maintain all constructed features consistent with industry best prac-
29 tices for the type of constructed feature.

30 (d) A ski area operator has the duty to comply with American Na-
31 tional Standards Institute (ANSI) B77.1-2022: Passenger Ropeways -

1 **Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors -**
2 **Safety Standard, or any later version adopted by rule of the Depart-**
3 **ment of Consumer and Business Services under ORS 460.310 to 460.370.**

4 **(2) A violation by a ski area operator of any requirement of this**
5 **section shall, to the extent the violation causes injury, constitute**
6 **negligence on the part of the ski area operator.**

7 **SECTION 5. Sections 2 to 4 of this 2026 Act and the amendments**
8 **to ORS 30.970 by section 1 of this 2026 Act apply to claims that arise**
9 **on or after the effective date of this 2026 Act.**

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