

DRAFT

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.

A BILL FOR AN ACT

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

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

SECTION 1. ORS 30.970 is amended to read:

30.970. As used in ORS 30.970 to 30.990:

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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