

**SB 1196 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Meek

**Senate Committee On Finance and Revenue**

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**Action Date:** 06/18/25

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 3-2-0-0

**Yeas:** 3 - McLane, Meek, Starr

**Nays:** 2 - Patterson, Taylor

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Dae Baek, Senior Economist

**Meeting Dates:** 6/11, 6/16, 6/18

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**WHAT THE MEASURE DOES:**

Defines an 'operator.' Defines a 'sport, fitness, or recreational activity' in relation to an operator in the measure. Allows an operator to require certain individuals to release the operator from any claim for ordinary negligence in specified situations. Stipulates that an operator may not require a person to release the operator from claims that constitute greater than ordinary negligence. Specifies that an operator may not require a person to release the operator from claims for injuries to a child under 18 years of age in specified circumstances. Prescribes applicable dates and circumstances of this act. Takes effect on passage.

**ISSUES DISCUSSED:**

- Definition of operator in the measure
- Significance of the measure as economic development tool for the state
- Inherent risk and accountability in recreational activities
- Ordinary negligence vs. gross negligence
- Comparison to other western states in terms of release/waiver of claims for ordinary negligence in recreational activities
- Enforceability of waiver
- Potential impacts to litigations involving ordinary negligence
- Relation to HB 3140 (2025)
- Insurance carriers in Oregon for recreational activity operators
- Work group discussing insurance affordability and availability for operators

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

For the purpose of this measure, a 'sport, fitness, or recreational activity' is defined as an indoor or outdoor activity involving elements of inherent risk, including but not limited to hunting, fishing, swimming, boating, rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports, climbing, equestrian and rodeo activities, hiking, outfitter guiding, ocean and water sports, motorized recreation, athletic or fitness competitions or fitness and training activities.

In this measure, an operator means a person that (1) offers a person the opportunity to participate in a sport, fitness or recreational activity, or (2) operates or provides a facility or place where a person can participate in a sport, fitness or recreational activity.