

House Bill 3140

Sponsored by Representative LIVELY, Senator WOODS, Representatives LEVY E, HELFRICH, WALLAN, Senators ANDERSON, MEEK, SMITH DB; Representatives BREESE-IVERSON, EVANS, GOMBERG, HELM, MCINTIRE, PHAM H, TRAN, Senator SOLLMAN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that an operator can make a person who does recreation release the operator from some types of claims. Tells OBDD to study issues for the recreation industry and make a report. (Flesch Readability Score: 62.6).

Provides that an operator may require a person who engages in a sport, fitness or recreational activity in various ways to release the operator from claims for ordinary negligence.

Directs the Oregon Business Development Department, with the assistance of the Department of Consumer and Business Services, to study issues facing the recreation industry and report to a committee of the Legislative Assembly related to the environment no later than September 15, 2026. Appropriates moneys for study.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to recreation; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 **(a) "Operator" means a person that:**

6 **(A) Offers a person the opportunity to participate in a sport, fitness or recreational ac-**
7 **tivity; or**

8 **(B) Operates or provides a facility or place where a person can participate in a sport,**
9 **fitness or recreational activity.**

10 **(b) "Sport, fitness or recreational activity" means an indoor or outdoor activity involving**
11 **elements of inherent risk, including but not limited to hunting, fishing, swimming, boating,**
12 **rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports,**
13 **climbing, equestrian and rodeo activities, hiking, outfitter guiding, ocean and water sports,**
14 **motorized recreation, athletic or fitness competitions or fitness and training activities.**

15 **(2) Except as provided in subsection (3) of this section, an operator may require a person**
16 **18 years of age or older who participates in a sport, fitness or recreational activity, rents**
17 **equipment for a sport, fitness or recreational activity, uses a facility or place for a sport,**
18 **fitness or recreational activity or volunteers to maintain facilities or places used for sport,**
19 **fitness or recreational activities to release the operator from any claim for ordinary**
20 **negligence arising out of or relating to the sport, fitness or recreational activity before the**
21 **person participates in the sport, fitness or recreational activity, rents equipment, uses a fa-**
22 **cility or place or volunteers. A release described in this subsection is not unconscionable or**
23 **void as contrary to public policy.**

24 **(3) An operator may not require a person to release the operator from claims that con-**
25 **stitute greater than ordinary negligence. A release described in this subsection is severable**

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 from a release for ordinary negligence required by the operator. A release that is broader
 2 than the release described in subsection (2) of this section shall be construed within the
 3 limits stated in subsection (2) of this section.

4 **SECTION 2.** (1) The Oregon Business Development Department shall perform a study
 5 that identifies the primary climate change-based issues facing the recreation industry and
 6 recreation providers, outlines the nature, potential severity and potential economic impacts
 7 of the issues and identifies areas in need of greater study. In performing the study, the de-
 8 partment shall consult with other relevant state agencies and consider the results of the
 9 study performed under subsection (2) of this section.

10 (2) The Department of Consumer and Business Services shall assist with the study under
 11 subsection (1) of this section by studying the impacts of climate change on the insurance
 12 industry with regard to the recreation industry and recreation providers. The study must
 13 document past and current trends in insurance premiums and attempt to understand and
 14 project future cost increases. The Department of Consumer and Business Services shall
 15 share the results of the study with the Oregon Business Development Department.

16 (3) The Oregon Business Development Department shall submit a report on the study
 17 performed under subsection (1) of this section in the manner provided in ORS 192.245, and
 18 may include recommendations for legislation, to the interim committee of the Legislative
 19 Assembly related to the environment no later than September 15, 2026.

20 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-
 21 ated to the Oregon Business Development Department, for the biennium beginning July 1,
 22 2025, out of the General Fund, the amount of \$100,000, which may be expended for the pur-
 23 poses of carrying out the provisions of section 2 of this 2025 Act and reimbursing the De-
 24 partment of Consumer and Business Services for the costs of the study required under
 25 section 2 (2) of this 2025 Act.

26 **SECTION 4.** (1) Except as provided in subsection (2) of this section, section 1 of this 2025
 27 Act applies to releases executed before, on or after the effective date of this 2025 Act.

28 (2)(a) Section 1 of this 2025 Act does not apply to the release of any claim for which a
 29 final judgment has been entered before the effective date of this 2025 Act.

30 (b) As used in this subsection, “final judgment” means a judgment for which the time to
 31 appeal has expired without any party filing an appeal or that is not subject to further appeal
 32 or review.

33 **SECTION 5.** Section 2 of this 2025 Act is repealed on January 2, 2027.

34 **SECTION 6.** This 2025 Act being necessary for the immediate preservation of the public
 35 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
 36 on its passage.

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