

SB 179 RECREATIONAL IMMUNITY

The Oregon Public Use of Lands Act passed in 1995 with the goal of encouraging public and private owners of land to make their land available to the public for recreational purposes. It was understood that landowners, both public and private, who made their land available without charge for recreational use by the public were not liable if a person was injured while using the land for recreational purposes.

ORS 105.676: The Legislative Assembly hereby declares it is the public policy of the State of Oregon to encourage owners of land to make their land available to the public for recreational purposes, for gardening, for woodcutting and for the harvest of special forest products by limiting their liability toward persons entering thereon for such purposes and by protecting their interests in their land from the extinguishment of any such interest or the acquisition by the public of any right to use or continue the use of such land for recreational purposes, gardening, woodcutting or the harvest of special forest products.

The Act increased the availability of land for free recreation by limiting liability to cities, counties, parks, schools and a wide range of private owners, including farmers and timber companies that allow hunters, anglers, hikers, mountain bikers and other members of the public to use or traverse their lands at no charge.

Prior to the 2024 session, some court proceedings led insurers for landowners statewide to recommend closure of trails. During that session, the legislature passed temporary changes that led to that advice being rescinded. The temporary fix came with direction to stakeholders to meet over the interim to determine other changes that needed to be made to recreational immunity statute. That effort did not result in an agreement, so we come before this committee to merely ask that the temporary changes be made permanent.

Solution: Temporary provisions in SB 1576 (2024) made permanent in SB 179 (2025)

- Adds “walking, running, and biking” to the definition of recreational purposes (ORS 105.672) and adds improved trails to the recreational immunity provided via ORS 105.688.
- Extension to additional local governments provisions limiting liability from ordinary negligence claims arising from the use of trails or structures on public easements or unimproved rights.
- Limits immunity for an improvement, design, or maintenance that was completed in a manner constituting gross negligence or reckless, wanton or intentional misconduct, or for which the actor is strictly liable.

Passage of the bill in 2024 had the intended impact. It gave property owners the necessary assurance that they could keep their properties open to the public for recreational purposes. We ask you to support continuation of this balance by **supporting SB 179**.

Passed Senate Judiciary: 6-0

Passed Senate Floor: 30 Ayes

Help us keep land open to the public by supporting this needed permanent clarification of legislative intent.



Metro



CITY OF BEND



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