From the Desk of Senator Mark Meek

Adam R. Bunge
Founder
312.731.8194
abunge@ideal3.com

ideal3

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Oregon State Senators
The Honorable Senate President Rob Wagner
Sen.RobWagner@oregonlegislature.gov

Re: Proposed Oregon liability waiver bill (SB 1593 and SB 1517 -7)

Dear Senators:

I am the Founder of ideal3, an independent multi-insurance claims adjusting company. In that role, I work with the leading insurers who provide general liability coverage to recreational providers across the country, including Oregon, largely for smaller, family-owned companies like gyms, rock climbing walls, and numerous other indoor and outdoor recreational venues. I am writing regarding SB 1517 -7. That legislation will not bring insurance carriers back to Oregon, and it will likely cause even more carriers to stop writing policies for Oregon providers. I can state unequivocally that Oregon has such a difficult litigation climate due to the inability to enforce waivers, many insurance carriers have written off doing business in the state.

When I learned that SB 1517 -7 had advanced to the Oregon Senate floor, I contacted the *three largest insurers of recreational providers* to see how they viewed SB 1517-7. Their responses were telling. One of them had to consult their legal department and has not yet responded. The other two, however, told me that *they have left Oregon and have no intention of returning*. In other words, they have no interest in SB 1517-7 because they have no interest whatsoever in insuring Oregon providers because of the unfavorable legal landscape in Oregon for providers and their insurers.

I cannot emphasize enough the perception among insurers that Oregon is an outlier and has an extremely unfavorable legal environment. This perception has led to the current insurance crisis – with premiums skyrocketing and coverage vanishing. SB 1517-7 will not solve the insurance crisis. That bill contains so many exceptions to enforceable waivers that there is almost no circumstance in which a waiver will be enforced. Put simply, the exceptions swallow the rule. Finally, insurers value predictability. Untested, unusual waiver legislation—and unlike the way any other state approaches waivers—is viewed very negatively by insurers.

If Oregon seeks to persuade insurance carriers to return to the state, it needs to take bold action that will entice them to return. If SB 1517 – 7 passes, it will not bring insurance carriers back to the state and will likely result in more insurance carriers leaving Oregon.

Sincerely,

Adam R. Bunge
Founder