

# House Bill 4071

Sponsored by Representatives HELFRICH, LEVY E, Senator MEEK, Representative ELMER, Senators SOLLMAN, STARR; Representatives BREESE-IVERSON, BUNCH, DIEHL, LEWIS, LIVELY, MANNIX, OWENS, RUIZ, WALLAN, Senator SMITH DB (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 may require a person who does recreation to release the operator from some types of claims. Tells OBDD to study issues for the recreation industry and make a report. (Flesch Readability Score: 60.9).

Provides that an operator may require an adult 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 to study recreation commerce and report to an appropriate committee or interim committee of the Legislative Assembly no later than December 15, 2026.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

Relating to recreation; and declaring an emergency.

Whereas Oregonians and the Oregon economy benefit tremendously from this state's recreation and health and fitness industries; and

Whereas Oregon's recreation and health and fitness providers offer safe and enjoyable access to outdoor and indoor recreation and health and fitness opportunities throughout this state and contribute significantly to the mental and physical health and well-being of Oregonians and visitors to this state; and

Whereas local communities rely on the commerce associated with the recreation and health and fitness industries to strengthen their economies, create jobs and enhance their quality of life; and

Whereas Oregon's tourism industry benefits greatly from the commerce associated with the recreation and health and fitness industries; and

Whereas written recreational liability waivers are a proven, effective and widely accepted contractual tool for educating the public on the inherent risks of participating in recreation and health and fitness activities and for balancing the responsibilities of participants in inherently risky activities with the responsibilities of recreation and health and fitness providers; and

Whereas certain state court decisions in Oregon have adopted a position that such contractual waivers are unenforceable, resulting in the withdrawal of insurance carriers from this state and increased costs and risks for recreation and health and fitness providers; and

Whereas increased costs disproportionately impact small business and nonprofit providers, low-income populations and underserved communities; and

Whereas every other western state enforces recreational liability waivers for ordinary negligence, creating unique challenges and competitive disadvantages for Oregon's recreation and health and fitness providers; and

Whereas the federal EXPLORE Act (H.R. 6492), which passed the United States Congress

**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 unanimously, and was signed into law in January 2025 by President Biden, recognizes the impor-  
 2 tance of enforcing recreational liability waivers; and

3 Whereas Oregon state law prevents many of the EXPLORE Act's intended benefits from ex-  
 4 tending to Oregon; and

5 Whereas recreational liability waiver reform will realign Oregon with widely accepted national  
 6 and state public policy standards and norms and help restore the health of Oregon's recreation and  
 7 health and fitness industries, improve the lives of Oregonians, increase public safety and enhance  
 8 tourism and economic opportunities throughout this state; now, therefore,

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

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

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

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

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

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

21 **(2) An operator may require a person 18 years of age or older to release the operator**  
 22 **from any claim for ordinary negligence that arises out of or results from the person's par-**  
 23 **ticipation in a sport, fitness or recreational activity, rental of equipment for a sport, fitness**  
 24 **or recreational activity, use of a facility or place for a sport, fitness or recreational activity**  
 25 **or volunteering to maintain facilities or places used for sport, fitness or recreational activ-**  
 26 **ities, before the person participates in the sport, fitness or recreational activity, rents**  
 27 **equipment, uses a facility or place or volunteers. A release described in this subsection is**  
 28 **not unconscionable or void as contrary to public policy.**

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

32 **(4) A release that is broader than the release described in subsections (2) and (3) of this**  
 33 **section shall be construed within the limits stated in subsections (2) and (3) of this section.**

34 **SECTION 2. (1) The Oregon Business Development Department shall study recreation**  
 35 **commerce in Oregon. The study must:**

36 **(a) Quantify the overall economic benefits of Oregon's recreation economy, including the**  
 37 **number of businesses and jobs created, including by various recreation subsectors, and re-**  
 38 **venue generated for local and state governments via income tax, property tax and other**  
 39 **means.**

40 **(b) Assess the needs of Oregon's recreation industry and identify economic development**  
 41 **solutions to help strengthen Oregon's recreation-related economy.**

42 **(c) Identify the primary issues facing the recreation industry, with a particular focus on**  
 43 **small business and nonprofit providers across all modes of recreation activities including but**  
 44 **not limited to hunting, fishing, swimming, boating, rafting, biking, camping, skiing,**  
 45 **snowboarding, winter sports, team and individual sports, climbing, equestrian and rodeo ac-**

1    **tivities, hiking, outfitter guiding, ocean and water sports, motorized recreation, athletic or**  
2    **fitness competitions and fitness and training activities.**

3        **(d) Consider both tourism-based and local recreation-related activity.**

4        **(2) In conducting the study, the department shall consult with other relevant state**  
5    **agencies as needed.**

6        **(3) The department shall report on the results of the study to an appropriate committee**  
7    **or interim committee of the Legislative Assembly no later than December 15, 2026.**

8        **SECTION 3. Section 2 of this 2026 Act is repealed on January 2, 2027.**

9        **SECTION 4. (1) Except as provided in subsection (2) of this section, section 1 of this 2026**  
10   **Act applies to releases executed before, on or after the effective date of this 2026 Act.**

11       **(2)(a) Section 1 of this 2026 Act does not apply to the release of any claim for which a**  
12   **final judgment has been entered before the effective date of this 2026 Act.**

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

16       **SECTION 5. This 2026 Act being necessary for the immediate preservation of the public**  
17   **peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect**  
18   **on its passage.**