

## SENATE AMENDMENTS TO SENATE BILL 1517

By COMMITTEE ON JUDICIARY

February 19

1 On page 1 of the printed bill, line 2, after “litigation;” delete the rest of the line and insert “and  
2 declaring an emergency.

3 “Whereas Oregonians and the Oregon economy benefit tremendously from this state’s recreation  
4 and health and fitness industries; and

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

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

12 “Whereas Oregon’s tourism industry benefits greatly from the commerce associated with the  
13 recreation and health and fitness industries; and

14 “Whereas *Bagley v. Mt. Bachelor, Inc.*, 356 Or. 543 (2014), determined that enforcement of cer-  
15 tain releases would be unconscionable, *see Becker v. Hoodoo Ski Bowl Devs., Inc.*, 269 Or. App. 877,  
16 883 (2015); and

17 “Whereas the *Bagley* decision did not invalidate all releases, *Bagley v. Mt. Bachelor, Inc.*, 356  
18 Or. 543, 545 (2014); and

19 “Whereas waivers of liability are not unenforceable under Oregon law; now, therefore,”.

20 Delete lines 4 through 29 and delete page 2 and insert:

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

22 “(a) ‘Operator’ means a person that:

23 “(A) Offers a person the opportunity to participate in a sport, fitness or recreational  
24 activity; or

25 “(B) Operates or provides a facility or place where a person can participate in a sport,  
26 fitness or recreational activity.

27 “(b) ‘Sport, fitness or recreational activity’ means an indoor or outdoor activity involving  
28 elements of inherent risk, including but not limited to hunting, fishing, swimming, boating,  
29 rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports,  
30 climbing, equestrian and rodeo activities, hiking, outfitter guiding, ocean and water sports,  
31 motorized recreation, athletic or fitness competitions and fitness and training activities.

32 “(2) Except as provided in subsection (3) of this section, an operator may require a par-  
33 ticipant in a sport, fitness or recreational activity who is 18 years of age or older, or a parent  
34 or guardian on behalf of a participant in a sport, fitness or recreational activity who is under  
35 18 years of age, to release the operator from any claim for damages for injuries to the par-

1 participant resulting from ordinary negligence and sustained while in the act of performing the  
2 sport, fitness or recreational activity if the participant or parent or guardian voluntarily  
3 signs a conspicuous written release disclosing the risks associated with the sport, fitness or  
4 recreational activity and waiving the operator's liability for damages for injuries resulting  
5 from those risks. A release described in this subsection is not per se unconscionable or void  
6 as contrary to public policy.

7       “(3) An operator may not require a person to release the operator from the following  
8 types of claims:

9       “(a) Claims for greater than ordinary negligence, including gross negligence, reckless  
10 conduct, willful misconduct or intentional acts.

11       “(b) Claims for injuries not sustained during the act of performing the sport, fitness or  
12 recreational activity, including but not limited to injuries occurring in parking areas, lodges,  
13 rental facilities or other premises not directly part of the sport, fitness or recreational ac-  
14 tivity itself.

15       “(c) Claims relating to the design, use, manufacture, provision, maintenance or in-  
16 spection of equipment, safety gear or apparatus used in connection with the sport, fitness  
17 or recreational activity.

18       “(d) Claims arising from the operator's violation of any statute, administrative rule or  
19 industry safety standard applicable to the sport, fitness or recreational activity.

20       “(e) Claims relating to negligent hiring, training, credentialing or supervision of employ-  
21 ees, guides, instructors or independent contractors.

22       “(f) Claims relating to failure to warn of known hazards that are not inherent risks of  
23 the sport, fitness or recreational activity.

24       “(g) Claims relating to the operation, maintenance or use of any vehicle, including but  
25 not limited to automobiles, buses, vans, snowmobiles, snow cats, all-terrain vehicles, utility  
26 terrain vehicles, side-by-sides or any other motorized conveyance, including if the vehicle is  
27 used for transportation to or from the location where the sport, fitness or recreational ac-  
28 tivity takes place, unless the participant uses the vehicle as part of the sport, fitness or  
29 recreational activity itself.

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

32       “SECTION 2. This 2026 Act being necessary for the immediate preservation of the public  
33 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect  
34 on its passage.”.

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