

SENATE AMENDMENTS TO SENATE BILL 1593

By COMMITTEE ON COMMERCE AND GENERAL GOVERNMENT

February 23

1 On page 1 of the printed bill, line 13, delete “proven, effective and widely accepted” and insert
2 “commonly used”.

3 Delete lines 17 through 19 and insert:

4 “Whereas the unenforceability of liability waivers in Oregon has resulted in the withdrawal of
5 insurance carriers from this state and increased costs and risks for recreation and health and fitness
6 providers; and”.

7 In line 22, delete “enforces” and insert “recognizes”.

8 On page 2, delete lines 5 through 8 and insert:

9 “Whereas this measure is intended to realign Oregon with accepted national and state public
10 policy and help restore the health of Oregon’s recreation and health and fitness industries, improve
11 the lives of Oregonians, increase public safety and enhance tourism and economic opportunities
12 throughout this state; now, therefore,”.

13 Delete lines 10 through 45 and delete page 3 and insert:

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

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

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

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

20 “(b) ‘Sport, fitness or recreational activity’ means an indoor or outdoor activity involving
21 elements of inherent risk, including but not limited to hunting, fishing, swimming, boating,
22 rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports,
23 climbing, equestrian and rodeo activities, hiking, outfitter guiding, environmental restoration
24 and maintenance, ocean and water sports, motorized recreation, athletic or fitness competi-
25 tions and fitness and training activities.

26 “(2) Except as provided in subsection (3) of this section, an operator may require a per-
27 son who is 18 years of age or older, or a parent or guardian on behalf of a person who is
28 under 18 years of age, to release the operator from any claim for ordinary negligence that
29 arises out of or results from the person’s participation in a sport, fitness or recreational
30 activity, rental of equipment for a sport, fitness or recreational activity, use of a facility or
31 place for a sport, fitness or recreational activity or volunteering to maintain facilities or
32 places used for sport, fitness or recreational activities, before the person participates in the
33 sport, fitness or recreational activity, rents equipment, uses a facility or place or volunteers.
34 A release described in this subsection is not unconscionable or void as contrary to public
35 policy.

1 “(3) An operator may not require a person to release the operator from any claim for a
2 willful or wanton act or omission, a reckless act or omission or a grossly negligent act or
3 omission. A release described in this subsection is severable from a release for ordinary
4 negligence required by the operator.

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

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

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

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

14 “SECTION 3. This 2026 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
16 on its passage.”.
17
