

Requested by Senator MEEK

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1517**

1 On page 1 of the printed A-engrossed bill, delete lines 3 through 18 and
2 insert:

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

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

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

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

15 “Whereas written recreational liability waivers are a commonly used
16 contractual tool for educating the public on the inherent risks of partic-
17 ipating in recreation and health and fitness activities and for balancing the
18 responsibilities of participants in inherently risky activities with the re-
19 sponsibilities of recreation and health and fitness providers; and

20 “Whereas the unenforceability of liability waivers in Oregon has resulted
21 in the withdrawal of insurance carriers from this state and increased costs

1 and risks for recreation and health and fitness providers; and

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

5 “Whereas every other western state recognizes recreational liability
6 waivers for ordinary negligence, creating unique challenges and competitive
7 disadvantages for Oregon’s recreation and health and fitness providers; and

8 “Whereas the federal EXPLORE Act (H.R. 6492), which passed the United
9 States Congress unanimously, and was signed into law in January 2025 by
10 President Biden, recognizes the importance of enforcing recreational liability
11 waivers; and

12 “Whereas Oregon state law prevents many of the EXPLORE Act’s in-
13 tended benefits from extending to Oregon; and

14 “Whereas this measure is intended to realign Oregon with accepted na-
15 tional and state public policy and help restore the health of Oregon’s recre-
16 ation and health and fitness industries, improve the lives of Oregonians,
17 increase public safety and enhance tourism and economic opportunities
18 throughout this state; now, therefore,”.

19 Delete lines 20 through 22 and delete pages 2 and 3 and insert:

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

21 **“(a) ‘Operator’ means a person that:**

22 **“(A) Offers a person the opportunity to participate in a sport, fit-
23 ness or recreational activity; or**

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

26 **“(b) ‘Sport, fitness or recreational activity’ means an indoor or
27 outdoor activity involving elements of inherent risk, including but not
28 limited to hunting, fishing, swimming, boating, rafting, biking, camp-
29 ing, skiing, snowboarding, winter sports, team and individual sports,
30 climbing, equestrian and rodeo activities, hiking, outfitter guiding,**

1 environmental restoration and maintenance, ocean and water sports,
2 motorized recreation, athletic or fitness competitions and fitness and
3 training activities.

4 “(2) Except as provided in subsection (3) of this section, an operator
5 may require a person who is 18 years of age or older, or a parent or
6 guardian on behalf of a person who is under 18 years of age, to release
7 the operator from any claim for ordinary negligence that arises out
8 of or results from the person’s participation in a sport, fitness or rec-
9 reational activity, rental of equipment for a sport, fitness or recre-
10 ational activity, use of a facility or place for a sport, fitness or
11 recreational activity or volunteering to maintain facilities or places
12 used for sport, fitness or recreational activities, before the person
13 participates in the sport, fitness or recreational activity, rents equip-
14 ment, uses a facility or place or volunteers. A release described in this
15 subsection is not unconscionable or void as contrary to public policy.

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

21 “(4) A release that is broader than the release described in sub-
22 sections (2) and (3) of this section shall be construed within the limits
23 stated in subsections (2) and (3) of this section.

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

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

30 “(b) As used in this subsection, ‘final judgment’ means a judgment

1 for which the time to appeal has expired without any party filing an
2 appeal or that is not subject to further appeal or review.

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

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