Requested by Senator MCLANE

PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1517

1   On page 1 of the printed A-engrossed bill, delete lines 20 through 22.

2   Delete pages 2 and 3 and insert:

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

4   **"(a) 'Operator' means a person that:**

5   **"(A) Offers a person the opportunity to participate in a sport, fit-**
6   **ness or recreational activity; or**

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

9   **"(b) 'Sport, fitness or recreational activity' means an indoor or**
10   **outdoor activity involving elements of inherent risk, including but not**
11   **limited to hunting, fishing, swimming, boating, rafting, biking, camp-**
12   **ing, skiing, snowboarding, winter sports, team and individual sports,**
13   **climbing, equestrian and rodeo activities, hiking, outfitter guiding,**
14   **ocean and water sports, motorized recreation, athletic or fitness com-**
15   **petitions, fitness and training activities, and volunteering in con-**
16   **nection with one of these activities.**

17   **"(2) Except as provided in subsection (3) of this section, an operator**
18   **may require a participant in a sport, fitness or recreational activity**
19   **who is 18 years of age or older, or a parent or guardian on behalf of**
20   **a participant in a sport, fitness or recreational activity who is under**
21   **18 years of age, to release the operator from any claim for damages**

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

9 "(3) An operator may not require a person to release the operator
10 from the following types of claims:

11 "(a) Claims for greater than ordinary negligence, including gross
12 negligence, reckless conduct, willful misconduct or intentional acts.

13 "(b) Claims for negligence per se.

14 "(c) Claims relating to the maintenance or inspection of equipment
15 or safety gear supplied by the operator and used in connection with
16 the sport, fitness or recreational activity.

17 "(d) Claims relating to the negligent hiring, training, credentialing
18 or supervision of an employee or agent of the operator whose conduct
19 that causes injury constitutes gross negligence, reckless conduct,
20 willful misconduct or an intentional act.

21 "(e) Claims relating to the operation or use of any vehicle, including
22 but not limited to automobiles, buses, vans, snowmobiles, snow cats,
23 all-terrain vehicles, utility terrain vehicles, side-by-sides or any other
24 motorized conveyance, including if the vehicle is used for transporta-
25 tion to or from the location where the sport, fitness or recreational
26 activity takes place, unless the participant uses the vehicle as part of
27 the sport, fitness or recreational activity itself.

28 "(4) A release that is broader than the release described in sub-
29 sections (2) and (3) of this section shall be construed within the limits
30 stated in subsections (2) and (3) of this section.

1   **"(5) In a claim for damages for injuries to a participant sustained**

2   **while the participant is engaged in a sport, fitness or recreational ac-**

3   **tivity, whether a risk is inherent to the sport, fitness or recreational**

4   **activity is a question of law.**

5   **"(6) This section does not limit or modify the provisions of ORS**

6   **30.970 to 30.990.**

7   **"<u>SECTION 2.</u> This 2026 Act being necessary for the immediate**

8   **preservation of the public peace, health and safety, an emergency is**

9   **declared to exist, and this 2026 Act takes effect on its passage.".**

10   ———————