



February 3rd, 2026

Testimony in Opposition to SB 1517

Chair Prozanski, Vice-Chair Senator Kim Thatcher, and Members of the Committee:

For the record, my name is Jordan Elliott, I am President of the Pacific Northwest Ski Area Association.

Thank you for the opportunity to testify in strong opposition to SB 1517. This legislation does not address the liability crisis facing ski areas or the broader recreation industry in Oregon.

Passage of this legislation will only make the current liability and insurance crisis in Oregon worse and will increase expensive litigation.

Why SB 1517 Fails to Solve Oregon's Liability Crisis

SB 1517 is a narrowly drawn, ski area specific liability proposal. While it purports to authorize ski areas to require limited liability releases, it simultaneously imposes heightened and unworkable statutory duties on Oregon ski industry operators and makes compliance failures automatically negligence. This greatly expands operators' legal exposure beyond the current standard and **increases** the likelihood of litigation rather than reducing it.

SB 1517 also directly contradicts Oregon's long-standing Ski Statute, which establishes that skiers assume the inherent risks of the sport. This bill would exacerbate Oregon's ski industry liability crisis, making it even more difficult to obtain insurance and putting the ski industry's future in Oregon at risk.

Importantly, this bill does not restore the enforceability of ordinary negligence waivers in a meaningful way. The current liability and insurance crisis stems from Oregon's status as the only Western state where liability waivers are essentially unenforceable for recreation providers, making the legal environment exceptionally unpredictable and costly for insurers and operators alike. Oregon's outlier status is widely recognized and repeatedly cited by insurers and industry experts. This bill makes this bad situation worse.

For example, in June 2025 one of the country's two primary ski resort insurance brokers, Safehold Special Risk, announced it was leaving Oregon entirely due to the excessive legal risks created by Oregon's liability framework – reporting that 50% of its carrier losses arise in Oregon – an astounding figure given the size of our state.



That carrier's departure leaves only one insurance broker willing to attempt to encourage carriers to provide coverage, making operating ski areas in Oregon uniquely challenging and unsustainably costly compared to other states.

No other states have a statute like this that imposes these types of statutory duties on ski areas and adding statutory duties is likely to scare more insurers away from providing insurance in Oregon, rather than re-attracting those companies that have left. Insurers need predictable risk and new, unprecedented statutory duties creates exactly the opposite. It is the wrong approach because it creates additional barriers for Oregon recreation companies seeking essential insurance services.

SB 1517 Would Worsen Litigation Risk, Not Reduce It:

Rather than mitigating the legal exposure that is driving qualified insurance carriers away from Oregon, SB 1517 creates new causes of action by enacting prescriptive requirements, many of which depend on subjective conditions in dynamic environments, into negligence per se, and conditioning the enforcement of liability waivers on the ski area's compliance with those requirements. This will invite plaintiffs' attorneys to file suit on technical compliance issues simply to avoid the impact of waivers, encourage more ski area litigation, make summary judgment impossible as the ski area can only enforce its waiver if it proves it satisfied these statutory duties, and increase defense costs for operators. This is the opposite of what meaningful liability reform should do. SB 1517 also limits the enforceability of waivers to injuries occurred only while actually skiing, excluding lifts and all other activities. No other state limits waivers in this way.

SB 1517 is also replete with ambiguous terms, imposes pricing restrictions that may be unlawful, irrationally limits waivers to only certain activities at ski areas, and is inconsistent with Oregon's existing Ski Statute. It is not an overstatement to say that this bill is a wolf in sheep's clothing – actually increasing liability risk under the guise of legalizing liability waivers for ski areas.

After ten years of factual testimony provided by Oregon recreation service providers, this bill provides yet another example that certain members of the Oregon Legislature continue to fail to appreciate the dire situation facing all Oregon recreation providers. Thousands of Oregonians passionate about recreation have repeatedly expressed their desire for enforceable waivers across the recreation industry – the legislature should listen to them. SB 1517 is not a solution to the problem facing our state – it would only exacerbate the problem.



Impact on Safety and Access for Oregonians and Visitors:

Affordable liability insurance is a prerequisite for safe, professionally-operated recreation. When insurers exit a market, insist on much higher deductibles, or charge sharply higher premiums, providers face unsustainable costs that must inevitably be passed to consumers, or result in reduced services -- or likely both. For example, Timberline Lodge reported that its liability insurance premium increased by 166% in one year, its deductible is now ten times higher, and overall insurance costs have risen 586% since 2020.

Without accessible insurance, which depends on enforceable waivers for ordinary negligence, operators may be forced to scale back capital improvements and recreation offerings, making outdoor recreation activities less safe and less affordable for families, youth participants, and rural communities that depend on tourism.

The Broader Industry and Economic Context:

This issue extends far beyond skiing. Gyms, outfitters, rafting guides, fitness instructors, and volunteer-based recreation nonprofits all struggle to obtain liability insurance due to Oregon's unique liability environment. Their inability to secure affordable coverage threatens jobs, local economies, and the public's ability to access outdoor recreation. Outdoor recreation contributes billions to Oregon's economy and supports thousands of family-wage jobs. Many ski area employees work in these other industries. Thus, this "ski only" approach does not work, not even for ski areas.

A divided approach that protects only ski areas leaves the remainder of the industry unprotected and fails to restore competitive stability. There is no public policy explanation for a ski-only bill when the evidence is clear that all providers are facing a similar insurance and liability crisis. This further demonstrates that SB 1517 does not appear to be intended to alleviate the crisis in Oregon – it appears to be designed to increase ski area liability, or at least that will be its practical impact. In contrast, other bipartisan reform efforts (e.g., SB 1593/HB 4071) will restore liability waiver enforceability (the law we had in Oregon for decades) while preserving accountability for gross negligence, aligning Oregon with other Western states and stabilizing the insurance market.



Conclusion and Request:

I urge this Committee not to advance SB 1517. It does not address the liability crisis facing ski areas or other recreation businesses and risks making the situation worse by increasing litigation exposure and further decreasing insurance availability and affordability. SB 1517 is an ill-conceived, discriminatory, and grave threat to the sustainable future of the Oregon ski industry and Oregon's established culture and reputation for outdoor recreation.

Instead, I ask that you support comprehensive liability waiver reform legislation such as Senate SB 1593 and House Bill 4071, which offer a simple, balanced, sustainable approach that recognizes the inherent risks of outdoor recreation and will keep Oregon's outdoor recreation opportunities viable and accessible.

Thank you for your consideration.

Jordan Elliott

President

Pacific Northwest Ski Areas' Association