Senate Judiciary Committee
Chair, Senator Floyd Prozanski
900 Court St. N.E.
Salem, OR 97301

February 4, 2026

Re: Opposition Testimony to Senate Bill 1517

Senator Prozanski,

I am Senior Vice President with MountainGuard Insurance ("MountainGuard"), which currently insures the majority of ski areas across 37 ski states in the United States, including several ski areas in Oregon. I am writing to emphasize MountainGuard's strong opposition to Senate Bill 1517 (SB 1517) because it does not remotely address the on-going insurance crisis for recreation providers in Oregon. In fact, SB 1517 ***actually increases liability exposure for ski areas in Oregon***. In light of years of sincere testimony from Oregon ski areas, recreation providers, and insurers begging the Oregon legislature to act on this crisis, it is breathtaking that this proposal has even been introduced.

For more than a decade, a vast and diverse coalition of outdoor recreation providers and non-profit organizations across indoor and outdoor recreation—many which are smaller, family-owned businesses—has sought to work with Oregon's trial attorneys for a sensible approach to the insurance crisis in Oregon, only to be denied meetings, hearings and floor votes. Now, after a decade of strategies to ignore and deny the affordability crisis in Oregon, SB 1517 suddenly seeks to focus solely on ski areas, despite universal opposition from within the recreation and health and fitness worlds, *including from ski areas themselves*. MountainGuard views SB 1517 as an unserious proposal—filled with gaping exceptions—that would make it more difficult for ski areas to obtain affordable liability insurance, a cost which is passed on to consumers and families.

SB 1517 would allow ski areas—and only ski areas—to seek to enforce releases of liability, and only in very limited circumstances. Senate Bill 1517 would strictly limit the use of liability releases to a sliver of on-mountain claims, carving out enormous exceptions where releases and waivers would not be enforceable. These exceptions would swallow the rule: They would exempt any premises liability-based incident, any injuries related to jumping and using terrain park features, all injuries arising out of the use of chairlifts, falls incident, cross resort operations, ski lessons, and any incidents where there is an arguable statutory duty.

Indeed, Senate Bill 1517 uses ambiguous terminology to prevent summary judgment, such as "ordinary visibility," "best practices," or the vague term "hazard," all which would leave these terms subject to competing interpretations and would preclude summary judgment and would result in increased liability exposure for ski areas.

SB 1517 proposes a broad list of exceptions where releases would not be enforceable—most which arise from the actual responsibilities of skiers and snowboarders themselves. More importantly, this would not reduce ski area insurance premiums, which have spiked by as much as 600 percent for some areas in the past few years. One of the major ski industry insurers has exited the state leaving only one insurance program, MountainGuard as the primary insurer for ski areas in Oregon at this time.

Ski areas by their very nature and location are often vast in size—Mt. Bachelor alone is the sixth largest ski area in the U.S. with 4,300 acres of terrain. Ski areas operate at altitude and in dynamic, ever-changing environments which can include snow, wind, rain, and ice on any winter day. General liability insurance coverage is designed to extend to nearly all aspects of ski area operations—from terrain parks and chairlifts to special events, snow tubing, competitions, lessons, and a growing variety of summer activities. SB 1517 would make it *more difficult* to obtain an enforceable release for the vast majority of claims facing ski areas. And it would make it *more difficult* to obtain summary judgment in ordinary negligence ski claims. The inability to obtain enforceable releases or summary judgment in Oregon is the key reason that insurance premiums have jumped exponentially since the Bagley ruling.

Moreover, Oregon ski areas provide many non-skiing recreational opportunities that would *not* be eligible for waivers or summary judgment. Mt. Bachelor, for example, provides mountain biking, zip lines and river rafting. Mt. Hood ski areas also provide a number of summer and non-ski activities, including bike rentals, snow tubing, scenic chairlift rides, and competitions and events. Importantly, the ski industry's liability insurance extends coverage to all of these resort activities under one policy, including both summer and winter activities.

It should be stressed that no other state in the country has a remotely similar approach that allows only one small segment of recreational businesses to have access to enforceable releases, an approach that is larded up with exceptions that completely undermines the important goal of affordable recreation in Oregon. Given the astonishing breadth of exceptions and the use of ambiguous terminology in SB 1517, it is stunning that this proposal has been introduced after a decade of sensible reform sought by recreation providers in Oregon.

Sincerely,

Tim Hendrickson
MountainGuard Insurance