TO:	Members of the Senate Judiciary Committee
FROM:	Kimberley McGair
DATE:	February 3, 2026
RE:	SB 1517 – 2026 Legislative Session

Summary: SB 1517 contains proposed revisions to the Oregon Ski Statute which are ambiguous, extremely burdensome to ski areas, unprecedented, will increase litigation and liability of Oregon ski areas, and risks putting them out of business. The bill also fails to address the need for enforceable waivers for other recreation and health and fitness providers. Passage of SB 1517 will worsen the existing crisis facing Oregon ski areas and other recreational providers.

Analysis: Under the guise of allowing pre-injury waivers of liability, which the recreational industry has been requesting for more than 10 years, SB 1517 imposes unprecedented and burdensome requirements on ski areas which will expose them to more litigation and liability. No other state imposes these types of statutory duties on ski areas, and no state conditions enforceability of a voluntary release on compliance with such duties.

Here are the key problematic provisions of SB 1517:

- SB 1517 discriminates against all other recreation, health and fitness providers by prohibiting them from entering into voluntary waivers with their customers. There is no rational basis for this discrimination.

- SB 1517 would limit the scope of an enforceable liability waiver solely to injuries incurred while actually skiing or snowboarding. This is impractical and unprecedented. In every other western state, a release is enforceable as to all injuries arising out of the activity or use of the ski area facilities. SB 1517 would prohibit releases for injuries sustained in loading or unloading a lift, standing or sitting anywhere in the resort, slip and falls in the ski area parking lot, or any other activities that occur in ski resorts.

- SB 1517 explicitly prohibits a release related to injuries sustained "involving" a chair lift. Chair lifts are explicitly included as an inherent risk of skiing in the Oregon Ski Statute. There is no rational justification for this prohibition.

- SB 1517 requires ski areas to allow customers to purchase a lift ticket without requiring a release, and provides that the ski area cannot charge more than "10 percent of the price paid for the lift ticket," for a lift ticket that does not include a release. No other state imposes such a requirement on ski areas, dictates what ski areas can charge, or requires them to sell lift tickets without requiring a release. No explanation is provided for the arbitrary selection of 10%.

- Section 4 of SB 1517 imposes a number of new statutory duties on ski areas that are burdensome, and conditions the enforceability of any release on the ski area complying with all of these requirements. No other state sets ski area duties like these as a matter of state statute, and no other state conditions the enforceability of releases on compliance with such duties.[1] These duties include:

    - Inspecting every trail for "hazards" before opening. "Hazard" is undefined. Oregon law provides that the skier assumes the inherent risks of skiing, including "hazards." ORS 30.970 and ORS 30.975. Thus, this requirement is contrary to established Oregon law.

    - Marking all "natural hazards that are not readily visible…under conditions of ordinary visibility from a distance of at least 100 feet." "Ordinary visibility" has no meaning in a highly-dynamic mountain environment ranging from full sun to blizzards. Moreover, the suggestion that a every "natural hazard" must be marked imposes an impossible standard on ski area operators, particularly because conditions change throughout the day and the ski area cannot constantly monitor every foot of every trail every minute of the day. The requirement that every bare spot on every trail must be marked as soon as it emerges is impossible and has no realistic application within a ski area. It is also contrary to long-established Oregon law which provides that skiers assume the risks of bare spots, rocks, stumps, etc.

    - Constructing "constructed features" in a manner "consistent with industry best practices." This term is undefined and impossible to determine or implement.

- SB 1517 provides that any violation of these statutory duties constitutes negligence per se or statutory negligence of the ski area. This provision will dramatically increase lawsuits against ski areas.

- SB 1517 not only hurts ski areas, but it leaves the rest of Oregon's recreation, health and fitness providers out in the cold – still unable to enforce releases and still subject to an unsustainable insurance market.

- Oregon has historically had a low catastrophic injury rate, yet in 2024 it had 50% of all claims costs for the entire country. SB 1517 would only make this situation worse and cause more insurers to flee the state.

If passed, SB 1517 will cause more insurers to leave Oregon rather than attracting the insurers who have left to come back. SB 1517 is highly likely to put one or more ski areas out of business.

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[1] Some states have very limited statutory duties, such as requiring the ski area to comply with ANSI B77 related to lifts, requiring that trails be marked or that snowmobiles have visible flags. *See, e.g.* Colorado Ski Safety Act, CRS §§ 33-44-107 and 108. None of those state laws impose the kind of vague, ambiguous and burdensome duties included in SB 1517.