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On Behalf Of:	
Committee:	Senate Committee On Judiciary
Measure, Appointment or Topic:	SB1517

I support updating Oregon's recreational liability laws to better align with neighboring states, particularly by allowing waivers to be enforceable. However, I strongly oppose SB 1517 and urge the Legislature not to pass it.

SB 1517 attempts to address recreational liability in a narrow and inconsistent way by focusing solely on ski areas while ignoring the hundreds of other small businesses and nonprofits that form the backbone of Oregon's outdoor recreation economy—outfitters, guides, trail organizations, climbing gyms, bike parks, and many others. These organizations face the same liability and insurance challenges, yet SB 1517 provides them no relief while setting concerning legal precedents.

Oregon's identity and economy are deeply tied to outdoor recreation. Millions of residents and visitors come here specifically to engage in activities that involve inherent and unavoidable risk—skiing, rafting, biking, horseback riding, and many others. These activities cannot be made "safe" no matter how strong providers safety practices are. If providers remain financially exposed to liability despite those risks being inherent and voluntarily assumed by participants, providers will not be able to operate at all. That will do substantial damage to our economy and deny participants access to activities they enjoy.

Participants choose activities such as skiing, rafting, biking, and climbing because of the thrill they get from doing them, and that thrill comes from humans' physiological response to the challenge and risk involved. They are choosing to participate in these activities precisely because of their inherent risk. Their choice must come with personal responsibility. Policy discussions should reinforce informed personal decision-making, not shift responsibility away from individuals who willingly engage in inherently risky activities.

I acknowledge that recreation providers should be held accountable for truly negligent conduct (which is rare). There is an important and widely recognized distinction, however, between gross negligence and ordinary negligence in the context of inherently risky activities. If a provider ignores industry-standard safety measures, liability should remain. But when a provider follows industry-standard safety practices there must be meaningful legal protection for that provider when injuries or death result from participants willing engagement in activities with potential for severe consequences.

The proposed signage requirements in SB 1517 are particularly troubling. Requiring

ski areas to mark natural hazards not visible from 100 feet—including bare spots, creeks, gullies, rocks, and stumps—is impractical and counterproductive to safety. These features are ubiquitous in outdoor environments. Attempting to sign all of them would result in overwhelming “sign pollution,” with so many signs participants will be overwhelmed by them, rendering warnings distracting and ineffective, likely increasing injury risk rather than reducing it.

Currently these features are defined in the statute as “inherent risks;” therefore, it is logically inconsistent to require them to be signed as hazards. Inherent risk means inseparable from participation in the activity. Treating inherent risks as signage failures invites endless litigation while doing nothing to eliminate the underlying risk.

Finally, SB 1517’s signage requirement sets a dangerous precedent. Once the Legislature begins itemizing and regulating inherent risks through signage mandates, similar requirements will inevitably be proposed across all outdoor recreation contexts—further destabilizing an industry that is already under strain. Will every rock, river, and tree have a “danger” sign on it? That’s not a place I want to recreate.

I respectfully urge the Legislature to reject SB 1517 and instead pursue comprehensive, consistent recreational liability reform that recognizes personal responsibility and avoids unworkable signage mandates.