

Senate Bill 1040

Sponsored by Senator THATCHER, Representative POST

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes owner, operator or lessee of quarry or mine located on property adjacent to Willamette River in Polk County strictly liable for injuries resulting from bullets that stray outside boundaries of property. Provides exceptions.

Makes person who discharges firearm from quarry or mine located on property adjacent to Willamette River in Polk County strictly liable for injuries resulting from bullets that stray outside boundaries of property.

Allows injured person to bring civil action against city or county that fails to reasonably regulate discharge of firearms from property adjacent to Willamette River in Polk County containing quarry or mine.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to discharge of firearms from quarries or mines in Polk County adjacent to the Willamette
3 River; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) An owner, operator or lessee of a quarry or mine located on property**
6 **adjacent to the Willamette River in Polk County is strictly liable for injuries resulting from**
7 **bullets from firearms discharged on the property that stray outside the boundaries of the**
8 **property unless:**

9 (a) **The person discharging the firearm was trespassing on the property without the ac-**
10 **tual or constructive knowledge of the owner, operator or lessee of the property; and**

11 (b) **The owner, operator or lessee of the property took all reasonable measures to prevent**
12 **trespassing on the property.**

13 (2) **A person who discharges a firearm from a quarry or mine located on property adja-**
14 **cent to the Willamette River in Polk County is strictly liable for injuries resulting from**
15 **bullets that stray outside the boundaries of the property.**

16 (3)(a) **Notwithstanding ORS 30.265 (6)(c), a person injured by a bullet that strays outside**
17 **the boundaries of property adjacent to the Willamette River in Polk County containing a**
18 **quarry or mine may bring an action against the city or county with jurisdiction over the**
19 **property under ORS 30.260 to 30.300 if the city or county failed to reasonably regulate the**
20 **discharge of firearms from the property when the city or county had notice that it was more**
21 **probable than not that bullets had strayed outside the boundaries of the property.**

22 (b) **As used in this subsection, "reasonably regulate" includes imposing appropriate safety**
23 **measures and prohibiting the use of all or certain types of firearms.**

24 **SECTION 2. Section 1 of this 2019 Act applies to injuries occurring on or after the ef-**
25 **fective date of this 2019 Act.**

26 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **on its passage.**

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