

Senate Bill 341

Sponsored by Senator BAERTSCHIGER JR (Pre-session filed.)

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**.

Provides for immunity for landowner arising out of use of land for hunting, even if landowner charges for permission to use land for hunting.

A BILL FOR AN ACT

1
2 Relating to recreational immunity; creating new provisions; and amending ORS 105.688.

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

4 **SECTION 1.** ORS 105.688 is amended to read:

5 105.688. (1) Except as specifically provided in ORS 105.672 to 105.696, the immunities provided
6 by ORS 105.682 apply to:

7 (a) All land, including but not limited to land adjacent or contiguous to any bodies of water,
8 watercourses or the ocean shore as defined by ORS 390.605;

9 (b) All roads, bodies of water, watercourses, rights of way, buildings, fixtures and structures on
10 the land described in paragraph (a) of this subsection;

11 (c) All paths, trails, roads, watercourses and other rights of way while being used by a person
12 to reach land for recreational purposes, gardening, woodcutting or the harvest of special forest
13 products, that are on land adjacent to the land that the person intends to use for recreational pur-
14 poses, gardening, woodcutting or the harvest of special forest products, and that have not been im-
15 proved, designed or maintained for the specific purpose of providing access for recreational
16 purposes, gardening, woodcutting or the harvest of special forest products; and

17 (d) All machinery or equipment on the land described in paragraph (a) of this subsection.

18 (2) The immunities provided by ORS 105.682 apply to land if the owner transfers an easement
19 to a public body to use the land.

20 (3) Except as provided in subsections (4) to [(7)] **(8)** of this section, the immunities provided by
21 ORS 105.682 do not apply if the owner makes any charge for permission to use the land for recre-
22 ational purposes, gardening, woodcutting or the harvest of special forest products.

23 (4) If the owner charges for permission to use the owner's land for one or more specific recre-
24 ational purposes and the owner provides notice in the manner provided by subsection [(8)] **(9)** of this
25 section, the immunities provided by ORS 105.682 apply to any use of the land other than the activ-
26 ities for which the charge is imposed. If the owner charges for permission to use a specified part
27 of the owner's land for recreational purposes and the owner provides notice in the manner provided
28 by subsection [(8)] **(9)** of this section, the immunities provided by ORS 105.682 apply to the remain-
29 der of the owner's land.

30 (5) The immunities provided by ORS 105.682 for gardening do not apply if the owner charges
31 more than \$25 per year for the use of the land for gardening. If the owner charges more than \$25

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 per year for the use of the land for gardening, the immunities provided by ORS 105.682 apply to any
2 use of the land other than gardening. If the owner charges more than \$25 per year for permission
3 to use a specific part of the owner's land for gardening and the owner provides notice in the manner
4 provided by subsection [(8)] (9) of this section, the immunities provided by ORS 105.682 apply to the
5 remainder of the owner's land.

6 (6) The immunities provided by ORS 105.682 for woodcutting do not apply if the owner charges
7 more than \$75 per cord for permission to use the land for woodcutting. If the owner charges more
8 than \$75 per cord for the use of the land for woodcutting, the immunities provided by ORS 105.682
9 apply to any use of the land other than woodcutting. If the owner charges more than \$75 per cord
10 for permission to use a specific part of the owner's land for woodcutting and the owner provides
11 notice in the manner provided by subsection [(8)] (9) of this section, the immunities provided by ORS
12 105.682 apply to the remainder of the owner's land.

13 (7) The immunities provided by ORS 105.682 for the harvest of special forest products do not
14 apply if the owner makes any charge for permission to use the land for the harvest of special forest
15 products. If the owner charges for permission to use the owner's land for the harvest of special
16 forest products, the immunities provided by ORS 105.682 apply to any use of the land other than the
17 harvest of special forest products. If the owner charges for permission to use a specific part of the
18 owner's land for harvesting special forest products and the owner provides notice in the manner
19 provided by subsection [(8)] (9) of this section, the immunities provided by ORS 105.682 apply to the
20 remainder of the owner's land.

21 **(8) The immunities provided by ORS 105.682 for hunting apply even if the landowner**
22 **charges for permission to use the land for hunting.**

23 [(8)] (9) Notices under subsections (4) to (7) of this section may be given by posting, as part of
24 a receipt, or by such other means as may be reasonably calculated to apprise a person of:

25 (a) The limited uses of the land for which the charge is made, and the immunities provided under
26 ORS 105.682 for other uses of the land; or

27 (b) The portion of the land the use of which is subject to the charge, and the immunities pro-
28 vided under ORS 105.682 for the remainder of the land.

29 **SECTION 2. The amendments to ORS 105.688 by section 1 of this 2019 Act apply to uses**
30 **of land for hunting on or after the effective date of this 2019 Act.**

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