

Senate Bill 754

Sponsored by Senators WOODS, HANSELL, Representative LIVELY; Senator KNOPP, Representatives GOMBERG, HELM

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 that operator may require person who engages in sport, fitness or recreational activity in various ways to release operator from claims for ordinary negligence.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to releases of liability; and declaring an emergency.

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

3 **SECTION 1. (1) As used in this section:**

4 (a) **“Operator” means a person that:**

5 (A) **Offers persons the opportunity to participate in a sport, fitness or recreational ac-**
6 **tivity; or**

7 (B) **Operates or provides a facility or place where a person can participate in a sport,**
8 **fitness or recreational activity.**

9 (b) **“Sport, fitness or recreational activity” means an indoor or outdoor activity involving**
10 **elements of inherent risk, including but not limited to hunting, fishing, swimming, boating,**
11 **rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports,**
12 **climbing, equestrian and rodeo activities, hiking, outfitter guiding, ocean and water sports,**
13 **motorized recreation, athletic or fitness competitions or fitness and training activities.**

14 (2) **Except as provided in subsection (3) of this section, an operator may require a person**
15 **who participates in a sport, fitness or recreational activity, rents equipment for a sport,**
16 **fitness or recreational activity, uses a facility for a sport, fitness or recreational activity or**
17 **volunteers to maintain facilities or places used for sport, fitness or recreational activities,**
18 **to release the operator from any claim for ordinary negligence before the person participates**
19 **in the sport, fitness or recreational activity, rents equipment, uses a facility or volunteers.**
20 **A release described in this subsection is not unconscionable or void as contrary to public**
21 **policy.**

22 (3) **An operator may not require a person to release the operator for claims that consti-**
23 **tute greater than ordinary negligence. A release described in this subsection is severable**
24 **from a release for ordinary negligence required by the operator.**

25 **SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2023**
26 **Act applies to releases executed before, on or after the effective date of this 2023 Act.**

27 (2)(a) **Section 1 of this 2023 Act does not apply to the release of any claim for which a**
28 **final judgment has been entered before the effective date of this 2023 Act.**

29 (b) **As used in this subsection, “final judgment” means a judgment for which the time to**
30

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 appeal has expired without any party filing an appeal or that is not subject to further appeal
2 or review.

3 **SECTION 3.** This 2023 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
5 on its passage.
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