

SENATE AMENDMENTS TO SENATE BILL 1576

By COMMITTEE ON JUDICIARY

February 21

1 In line 2 of the printed bill, after “matters” insert “; creating new provisions; amending ORS
2 17.095, 105.668, 105.672, 105.688 and 646A.589; and declaring an emergency”.

3 Delete lines 4 through 8 and insert:

4 “**SECTION 1.** ORS 646A.589 is amended to read:

5 “646A.589. (1)(a) The Attorney General may serve an investigative demand upon any person that
6 possesses, controls or has custody of any information, document or other material that the Attorney
7 General determines is relevant to an investigation of a violation of ORS 646A.570 to 646A.589 or
8 that could lead to a discovery of relevant information. An investigative demand may require the
9 person to:

10 “(A) Appear and testify under oath at the time and place specified in the investigative demand;

11 “(B) Answer written interrogatories; or

12 “(C) Produce relevant documents or physical evidence for examination at the time and place
13 specified in the investigative demand.

14 “(b) The Attorney General shall serve an investigative demand under this section in the manner
15 provided in ORS 646.622. The Attorney General may enforce the investigative demand as provided
16 in ORS 646.626.

17 “(2)(a) An attorney may accompany, represent and advise in confidence a person that appears
18 in response to a demand under subsection (1)(a)(A) of this section. The person may refuse to answer
19 any question on constitutional grounds or on the basis of any other legal right or privilege, includ-
20 ing protection against self-incrimination, but must answer any other question that is not subject to
21 the right or privilege. If the person refuses to answer a question on grounds that the answer would
22 be self-incriminating, the Attorney General may compel the person to testify as provided in ORS
23 136.617.

24 “(b) The Attorney General shall exclude from the place in which the Attorney General conducts
25 an examination under this subsection all persons other than the person the Attorney General is
26 examining, the person’s attorney, the officer before which the person gives the testimony and any
27 stenographer recording the testimony.

28 “(3)(a) The Attorney General shall hold in confidence and may not disclose to any person any
29 documents, including data protection assessments, answers to interrogatories and transcripts of oral
30 testimony, except that the Attorney General may disclose the documents to:

31 “(A) The person that provided the documents or the oral testimony;

32 “(B) The attorney or representative of the person that provided the documents or oral testimony;

33 “(C) [*Employees of*] **Persons employed by** the Attorney General; or

34 “(D) An official of the United States or of any state who is authorized to enforce federal or state
35 consumer protection laws if the Attorney General first obtains a written agreement from the official

1 in which the official agrees to abide by the confidentiality requirements of this subsection.

2 “(b) The Attorney General may use any of the materials described in paragraph (a) of this sub-
3 section in any investigation the Attorney General conducts under this section or in any action or
4 proceeding the Attorney General brings or initiates in a court or before an administrative agency
5 in connection with the investigation.

6 “(4)(a) The Attorney General may bring an action to seek a civil penalty of not more than \$7,500
7 for each violation of ORS 646A.570 to 646A.589 or to enjoin a violation or obtain other equitable
8 relief. The Attorney General shall bring the action in the circuit court for Multnomah County or
9 the circuit court of a county where any part of the violation occurred.

10 “(b) A court may award reasonable attorney fees, expert witness fees and costs of investigation
11 to the Attorney General if the Attorney General prevails in an action under this subsection. The
12 court may award reasonable attorney fees to a defendant that prevails in an action under this sub-
13 section if the court finds that the Attorney General had no objectively reasonable basis for asserting
14 the claim or for appealing an adverse decision of the trial court.

15 “(c) The Attorney General shall deposit the proceeds of any recovery under this subsection into
16 the Department of Justice Protection and Education Revolving Account, as provided in ORS 180.095.

17 “(5) Before bringing an action under subsection (4) of this section, the Attorney General shall
18 notify a controller of a violation of ORS 646A.570 to 646A.589 if the Attorney General determines
19 that the controller can cure the violation. If the controller fails to cure the violation within 30 days
20 after receiving the notice of the violation, the Attorney General may bring the action without fur-
21 ther notice.

22 “(6) The Attorney General shall bring an action under subsection (4) of this section within five
23 years after the date of the last act of a controller that constituted the violation for which the At-
24 torney General seeks relief.

25 “(7) The remedies available to the Attorney General under subsection (4) of this section are in
26 addition to and not in lieu of any other relief available to the Attorney General or another person
27 under other applicable provisions of law. A claim available under another provision of law may be
28 joined to the Attorney General’s claim under subsection (4) of this section.

29 “(8) The Attorney General has exclusive authority to enforce the provisions of ORS 646A.570
30 to 646A.589. ORS 646A.570 to 646A.589, or any other laws of this state, do not create a private right
31 of action to enforce a violation of ORS 646A.570 to 646A.589.

32 “**SECTION 2.** ORS 646A.589, as amended by section 11, chapter 369, Oregon Laws 2023, is
33 amended to read:

34 “646A.589. (1)(a) The Attorney General may serve an investigative demand upon any person that
35 possesses, controls or has custody of any information, document or other material that the Attorney
36 General determines is relevant to an investigation of a violation of ORS 646A.570 to 646A.589 or
37 that could lead to a discovery of relevant information. An investigative demand may require the
38 person to:

39 “(A) Appear and testify under oath at the time and place specified in the investigative demand;

40 “(B) Answer written interrogatories; or

41 “(C) Produce relevant documents or physical evidence for examination at the time and place
42 specified in the investigative demand.

43 “(b) The Attorney General shall serve an investigative demand under this section in the manner
44 provided in ORS 646.622. The Attorney General may enforce the investigative demand as provided
45 in ORS 646.626.

1 “(2)(a) An attorney may accompany, represent and advise in confidence a person that appears
2 in response to a demand under subsection (1)(a)(A) of this section. The person may refuse to answer
3 any question on constitutional grounds or on the basis of any other legal right or privilege, includ-
4 ing protection against self-incrimination, but must answer any other question that is not subject to
5 the right or privilege. If the person refuses to answer a question on grounds that the answer would
6 be self-incriminating, the Attorney General may compel the person to testify as provided in ORS
7 136.617.

8 “(b) The Attorney General shall exclude from the place in which the Attorney General conducts
9 an examination under this subsection all persons other than the person the Attorney General is
10 examining, the person’s attorney, the officer before which the person gives the testimony and any
11 stenographer recording the testimony.

12 “(3)(a) The Attorney General shall hold in confidence and may not disclose to any person any
13 documents, including data protection assessments, answers to interrogatories and transcripts of oral
14 testimony, except that the Attorney General may disclose the documents to:

15 “(A) The person that provided the documents or the oral testimony;

16 “(B) The attorney or representative of the person that provided the documents or oral testimony;

17 “(C) [*Employees of*] **Persons employed by** the Attorney General; or

18 “(D) An official of the United States or of any state who is authorized to enforce federal or state
19 consumer protection laws if the Attorney General first obtains a written agreement from the official
20 in which the official agrees to abide by the confidentiality requirements of this subsection.

21 “(b) The Attorney General may use any of the materials described in paragraph (a) of this sub-
22 section in any investigation the Attorney General conducts under this section or in any action or
23 proceeding the Attorney General brings or initiates in a court or before an administrative agency
24 in connection with the investigation.

25 “(4)(a) The Attorney General may bring an action to seek a civil penalty of not more than \$7,500
26 for each violation of ORS 646A.570 to 646A.589 or to enjoin a violation or obtain other equitable
27 relief. The Attorney General shall bring the action in the circuit court for Multnomah County or
28 the circuit court of a county where any part of the violation occurred.

29 “(b) A court may award reasonable attorney fees, expert witness fees and costs of investigation
30 to the Attorney General if the Attorney General prevails in an action under this subsection. The
31 court may award reasonable attorney fees to a defendant that prevails in an action under this sub-
32 section if the court finds that the Attorney General had no objectively reasonable basis for asserting
33 the claim or for appealing an adverse decision of the trial court.

34 “(c) The Attorney General shall deposit the proceeds of any recovery under this subsection into
35 the Department of Justice Protection and Education Revolving Account, as provided in ORS 180.095.

36 “(5) The Attorney General shall bring an action under subsection (4) of this section within five
37 years after the date of the last act of a controller that constituted the violation for which the At-
38 torney General seeks relief.

39 “(6) The remedies available to the Attorney General under subsection (4) of this section are in
40 addition to and not in lieu of any other relief available to the Attorney General or another person
41 under other applicable provisions of law. A claim available under another provision of law may be
42 joined to the Attorney General’s claim under subsection (4) of this section.

43 “(7) The Attorney General has exclusive authority to enforce the provisions of ORS 646A.570
44 to 646A.589. ORS 646A.570 to 646A.589, or any other laws of this state, do not create a private right
45 of action to enforce a violation of ORS 646A.570 to 646A.589.

1 “**SECTION 3. A court record relating to the settlement of a minor’s claim approved under**
2 **ORCP 27 I is confidential and may not be disclosed, except pursuant to a court order issued**
3 **for good cause shown. Good cause for purposes of this section includes, but is not limited to,**
4 **a showing that the claimant is no longer a minor.**

5 “**SECTION 4.** ORS 17.095 is amended to read:

6 “17.095. (1) A public body, or officer, employee or agent of a public body, who is a defendant in
7 an action under ORS 30.260 to 30.300, or who is a defendant in an action under ORS 294.100, may
8 not enter into any settlement or compromise of the action if the settlement or compromise requires
9 that the terms or conditions of the settlement or compromise be confidential.

10 “(2) Notwithstanding subsection (1) of this section:

11 “(a) A public body, or officer, employee or agent of a public body, may enter into a settlement
12 or compromise that requires the terms or conditions to be confidential if federal law requires terms
13 or conditions of that settlement or compromise to be confidential. Only terms and conditions that
14 are required to be confidential under federal law may be confidential in the settlement or compro-
15 mise.

16 “(b) A court may order that the terms or conditions of a settlement or compromise that reveal
17 the identity of a person be confidential if:

18 “(A) The person whose identity is revealed is a victim of sexual abuse or is under 18 years of
19 age; and

20 “(B) The court determines, by written findings, that the specific privacy interests of the person
21 outweigh the public’s interest in the terms or conditions.

22 “(c) **A court record relating to the settlement of a minor’s claim is confidential when**
23 **required by section 3 of this 2024 Act.**

24 “(3) Any public body, or officer, employee or agent of a public body, who is a defendant in an
25 action under ORS 30.260 to 30.300, or who is a defendant in an action under ORS 294.100, shall file
26 with the court a full and complete disclosure of the terms and conditions of any settlement or
27 compromise of the claims against the public body, its officers, employees or agents. The disclosure
28 shall be filed prior to the dismissal of the action.

29 “(4) For the purposes of this section:

30 “(a) ‘Action’ means a legal proceeding that has been commenced as provided in ORCP 3; and

31 “(b) ‘Public body’ has that meaning given in ORS 30.260.

32 “**SECTION 5.** ORS 105.668 is amended to read:

33 “105.668. (1) As used in this section:

34 “(a) **‘Local government’ has the meaning given that term in ORS 174.116.**

35 “[(a)] (b) ‘Structures’ means improvements in a trail, including, but not limited to, stairs and
36 bridges, that are accessible by a user on foot, on a horse or on a bicycle or other nonmotorized
37 vehicle or conveyance.

38 “[(b)] (c) ‘Unimproved right of way’ means a platted or dedicated public right of way over which
39 a street, road or highway has not been constructed to the standards and specifications of the [city]
40 **local government** with jurisdiction over the public right of way and for which the [city] **local**
41 **government** has not expressly accepted responsibility for maintenance.

42 “(2) **In a city with a population of 500,000 or greater**, a personal injury or property damage
43 resulting from use of a trail that is in a public easement or in an unimproved right of way, or from
44 use of structures in the public easement or unimproved right of way, by a user on foot, on a horse
45 or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim

1 or right of action based on negligence against:

2 “[(a) A city with a population of 500,000 or more;]

3 “(a) **The city;**

4 “(b) The officers, employees or agents of [a city with a population of 500,000 or more] **the city**

5 to the extent the officers, employees or agents are entitled to defense and indemnification under

6 ORS 30.285;

7 “(c) The owner of land abutting the public easement[,] or unimproved right of way[, in a city

8 with a population of 500,000 or more] **in the city;** or

9 “(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail

10 or the structures in a public easement or unimproved right of way in [a city with a population of

11 500,000 or more] **the city.**

12 “(3) [Notwithstanding the limit in subsection (2) of this section to a city with a population of

13 500,000 or more, by adoption of an ordinance or resolution, a city or county] **A local government** to

14 which subsection (2) of this section does not apply may opt to limit liability in the manner estab-

15 lished by subsection (2) of this section **by ordinance, resolution, rule, order or other regulation**

16 for:

17 “[(a) The city or county that opts in by ordinance or resolution;]

18 “(a) **The local government;**

19 “(b) The officers, employees or agents of the [city or county that opts in] **local government** to

20 the extent the officers, employees or agents are entitled to defense and indemnification under ORS

21 30.285;

22 “(c) The owner of land abutting the public easement[,] or unimproved right of way[, in the city

23 or county that opts in by ordinance or resolution; and] **in the local government; or**

24 “(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail

25 or the structures in a public easement or unimproved right of way in the [city or county that opts

26 in] **local government.**

27 “(4) [The immunity granted by this section from a private claim or right of action based on

28 negligence] **This section** does not grant immunity from liability:

29 “(a) Except as provided in subsection (2)(b) or (3)(b) of this section, to a person that receives

30 compensation for providing assistance, services or advice in relation to conduct that leads to a

31 personal injury or property damage.

32 “(b) For [personal injury or property damage resulting from] gross negligence or [from] reckless,

33 wanton or intentional misconduct.

34 “(c) For an activity for which [a person] **the actor** is strictly liable without regard to fault.

35 “**SECTION 6.** ORS 105.672 is amended to read:

36 “105.672. As used in ORS 105.672 to 105.696:

37 “(1) ‘Charge’:

38 “(a) Means the admission price or fee requested or expected by an owner in return for granting

39 permission for a person to enter or go upon the owner’s land.

40 “(b) Does not mean any amount received from a public body in return for granting permission

41 for the public to enter or go upon the owner’s land.

42 “(c) Does not include the fee for a winter recreation parking permit or any other parking fee

43 of \$15 or less per day.

44 “(2) ‘Harvest’ has that meaning given in ORS 164.813.

45 “(3) ‘Land’ includes all real property, whether publicly or privately owned.

1 “(4) ‘Owner’ means:
2 “(a) The possessor of any interest in any land, including but not limited to the holder of any
3 legal or equitable title, a tenant, a lessee, an occupant, the holder of an easement, the holder of a
4 right of way or a person in possession of the land;
5 “(b) An officer, employee, volunteer or agent of a person described in paragraph (a) of this
6 subsection, while acting within the scope of assigned duties; and
7 “(c) A director, partner, general partner, shareholder, limited liability company member, limited
8 liability partner or limited partner of a person described in paragraph (a) of this subsection.
9 “(5) ‘Recreational purposes’ includes, but is not limited to, outdoor activities such as hunting,
10 fishing, swimming, boating, camping, picnicking, hiking, **walking, running, bicycling**, nature study,
11 outdoor educational activities, waterskiing, winter sports, viewing or enjoying historical,
12 archaeological, scenic or scientific sites or volunteering for any public purpose project.
13 “(6) ‘Special forest products’ has that meaning given in ORS 164.813.
14 “(7) ‘Woodcutting’ means the cutting or removal of wood from land by an individual who has
15 obtained permission from the owner of the land to cut or remove wood.
16 “**SECTION 7.** ORS 105.688 is amended to read:
17 “105.688. (1) Except as specifically provided in ORS 105.672 to 105.696, the immunities provided
18 by ORS 105.682 apply to:
19 “(a) All land, including but not limited to land adjacent or contiguous to any bodies of water,
20 watercourses or the ocean shore as defined by ORS 390.605;
21 “(b) All roads, bodies of water, watercourses, rights of way, buildings, fixtures and structures
22 on the land described in paragraph (a) of this subsection;
23 “(c) All paths, trails, roads, watercourses and other rights of way, while being used by a person
24 to reach land for recreational purposes, gardening, woodcutting or the harvest of special forest
25 products, that are on land adjacent to the land that the person intends to use for recreational pur-
26 poses, gardening, woodcutting or the harvest of special forest products, [*and that have*] **provided**
27 **that:**
28 “**(A) The right of way has** not been improved, designed or maintained for the specific purpose
29 of providing access for recreational purposes, gardening, woodcutting or the harvest of special forest
30 products; [*and*] **or**
31 “**(B)(i) The right of way has been improved, designed or maintained to provide access for**
32 **recreational purposes, gardening, woodcutting or the harvest of special forest products;**
33 “**(ii) The right of way is not a highway maintained under ORS 810.010; and**
34 “**(iii) The improvement, design or maintenance was completed in a manner that does not**
35 **constitute:**
36 “**(I) Gross negligence or reckless, wanton or intentional misconduct; or**
37 “**(II) An activity for which the actor is strictly liable without regard to fault; and**
38 “(d) All machinery or equipment on the land described in paragraph (a) of this subsection.
39 “(2) The immunities provided by ORS 105.682 apply to land if the owner transfers an easement
40 to a public body to use the land.
41 “(3) Except as provided in subsections (4) to (7) of this section, the immunities provided by ORS
42 105.682 do not apply if the owner makes any charge for permission to use the land for recreational
43 purposes, gardening, woodcutting or the harvest of special forest products.
44 “(4) If the owner charges for permission to use the owner’s land for one or more specific rec-
45 reational purposes and the owner provides notice in the manner provided by subsection (8) of this

1 section, the immunities provided by ORS 105.682 apply to any use of the land other than the activ-
2 ities for which the charge is imposed. If the owner charges for permission to use a specified part
3 of the owner's land for recreational purposes and the owner provides notice in the manner provided
4 by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of
5 the owner's land.

6 “(5) The immunities provided by ORS 105.682 for gardening do not apply if the owner charges
7 more than \$25 per year for the use of the land for gardening. If the owner charges more than \$25
8 per year for the use of the land for gardening, the immunities provided by ORS 105.682 apply to any
9 use of the land other than gardening. If the owner charges more than \$25 per year for permission
10 to use a specific part of the owner's land for gardening and the owner provides notice in the manner
11 provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the re-
12 mainder of the owner's land.

13 “(6) The immunities provided by ORS 105.682 for woodcutting do not apply if the owner charges
14 more than \$75 per cord for permission to use the land for woodcutting. If the owner charges more
15 than \$75 per cord for the use of the land for woodcutting, the immunities provided by ORS 105.682
16 apply to any use of the land other than woodcutting. If the owner charges more than \$75 per cord
17 for permission to use a specific part of the owner's land for woodcutting and the owner provides
18 notice in the manner provided by subsection (8) of this section, the immunities provided by ORS
19 105.682 apply to the remainder of the owner's land.

20 “(7) The immunities provided by ORS 105.682 for the harvest of special forest products do not
21 apply if the owner makes any charge for permission to use the land for the harvest of special forest
22 products. If the owner charges for permission to use the owner's land for the harvest of special
23 forest products, the immunities provided by ORS 105.682 apply to any use of the land other than the
24 harvest of special forest products. If the owner charges for permission to use a specific part of the
25 owner's land for harvesting special forest products and the owner provides notice in the manner
26 provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the re-
27 mainder of the owner's land.

28 “(8) Notices under subsections (4) to (7) of this section may be given by posting, as part of a
29 receipt, or by such other means as may be reasonably calculated to apprise a person of:

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

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

34 “**SECTION 8.** ORS 105.668, as amended by section 5 of this 2024 Act, is amended to read:

35 “105.668. (1) As used in this section:

36 “(a) ‘Local government’ [*has the meaning given that term in ORS 174.116*] **means a city or**
37 **county.**

38 “(b) ‘Structures’ means improvements in a trail, including, but not limited to, stairs and bridges,
39 that are accessible by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or
40 conveyance.

41 “(c) ‘Unimproved right of way’ means a platted or dedicated public right of way over which a
42 street, road or highway has not been constructed to the standards and specifications of the local
43 government with jurisdiction over the public right of way and for which the local government has
44 not expressly accepted responsibility for maintenance.

45 “(2) In a city with a population of 500,000 or greater, a personal injury or property damage re-

1 sulding from use of a trail that is in a public easement or in an unimproved right of way, or from
2 use of structures in the public easement or unimproved right of way, by a user on foot, on a horse
3 or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim
4 or right of action based on negligence against:

5 “(a) The city;

6 “(b) The officers, employees or agents of the city to the extent the officers, employees or agents
7 are entitled to defense and indemnification under ORS 30.285;

8 “(c) The owner of land abutting the public easement or unimproved right of way in the city; or

9 “(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail
10 or the structures in a public easement or unimproved right of way in the city.

11 “(3) A local government to which subsection (2) of this section does not apply may opt to limit
12 liability in the manner established by subsection (2) of this section by ordinance, resolution, rule,
13 order or other regulation for:

14 “(a) The local government;

15 “(b) The officers, employees or agents of the local government to the extent the officers, em-
16 ployees or agents are entitled to defense and indemnification under ORS 30.285;

17 “(c) The owner of land abutting the public easement or unimproved right of way in the local
18 government; or

19 “(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail
20 or the structures in a public easement or unimproved right of way in the local government.

21 “(4) This section does not grant immunity from liability:

22 “(a) Except as provided in subsection (2)(b) or (3)(b) of this section, to a person that receives
23 compensation for providing assistance, services or advice in relation to conduct that leads to a
24 personal injury or property damage.

25 “(b) For gross negligence or reckless, wanton or intentional misconduct.

26 “(c) For an activity for which a person is strictly liable without regard to fault.

27 “**SECTION 9.** ORS 105.672, as amended by section 6 of this 2024 Act, is amended to read:

28 “105.672. As used in ORS 105.672 to 105.696:

29 “(1) ‘Charge’:

30 “(a) Means the admission price or fee requested or expected by an owner in return for granting
31 permission for a person to enter or go upon the owner’s land.

32 “(b) Does not mean any amount received from a public body in return for granting permission
33 for the public to enter or go upon the owner’s land.

34 “(c) Does not include the fee for a winter recreation parking permit or any other parking fee
35 of \$15 or less per day.

36 “(2) ‘Harvest’ has that meaning given in ORS 164.813.

37 “(3) ‘Land’ includes all real property, whether publicly or privately owned.

38 “(4) ‘Owner’ means:

39 “(a) The possessor of any interest in any land, including but not limited to the holder of any
40 legal or equitable title, a tenant, a lessee, an occupant, the holder of an easement, the holder of a
41 right of way or a person in possession of the land;

42 “(b) An officer, employee, volunteer or agent of a person described in paragraph (a) of this
43 subsection, while acting within the scope of assigned duties; and

44 “(c) A director, partner, general partner, shareholder, limited liability company member, limited
45 liability partner or limited partner of a person described in paragraph (a) of this subsection.

1 “(5) ‘Recreational purposes’ includes, but is not limited to, outdoor activities such as hunting,
2 fishing, swimming, boating, camping, picnicking, hiking, [*walking, running, bicycling,*] nature study,
3 outdoor educational activities, waterskiing, winter sports, viewing or enjoying historical,
4 archaeological, scenic or scientific sites or volunteering for any public purpose project.

5 “(6) ‘Special forest products’ has that meaning given in ORS 164.813.

6 “(7) ‘Woodcutting’ means the cutting or removal of wood from land by an individual who has
7 obtained permission from the owner of the land to cut or remove wood.

8 “**SECTION 10.** ORS 105.688, as amended by section 7 of this 2024 Act, is amended to read:

9 “105.688. (1) Except as specifically provided in ORS 105.672 to 105.696, the immunities provided
10 by ORS 105.682 apply to:

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

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

15 “(c) All paths, trails, roads, watercourses and other rights of way, while being used by a person
16 to reach land for recreational purposes, gardening, woodcutting or the harvest of special forest
17 products, that are on land adjacent to the land that the person intends to use for recreational pur-
18 poses, gardening, woodcutting or the harvest of special forest products, provided that[:]

19 “[*(A)*] the right of way has not been improved, designed or maintained for the specific purpose
20 of providing access for recreational purposes, gardening, woodcutting or the harvest of special forest
21 products; [*or*] **and**

22 “[*(B)(i)*] *The right of way has been improved, designed or maintained to provide access for recre-*
23 *ational purposes, gardening, woodcutting or the harvest of special forest products;*]

24 “[*(ii)*] *The right of way is not a highway maintained under ORS 810.010; and]*

25 “[*(iii)*] *The improvement, design or maintenance was completed in a manner that does not*
26 *constitute:*]

27 “[*(I)*] *Gross negligence or reckless, wanton or intentional misconduct; or]*

28 “[*(II)*] *An activity for which the actor is strictly liable without regard to fault; and]*

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

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

32 “(3) Except as provided in subsections (4) to (7) of this section, the immunities provided by ORS
33 105.682 do not apply if the owner makes any charge for permission to use the land for recreational
34 purposes, gardening, woodcutting or the harvest of special forest products.

35 “(4) If the owner charges for permission to use the owner’s land for one or more specific rec-
36 reational purposes and the owner provides notice in the manner provided by subsection (8) of this
37 section, the immunities provided by ORS 105.682 apply to any use of the land other than the activ-
38 ities for which the charge is imposed. If the owner charges for permission to use a specified part
39 of the owner’s land for recreational purposes and the owner provides notice in the manner provided
40 by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of
41 the owner’s land.

42 “(5) The immunities provided by ORS 105.682 for gardening do not apply if the owner charges
43 more than \$25 per year for the use of the land for gardening. If the owner charges more than \$25
44 per year for the use of the land for gardening, the immunities provided by ORS 105.682 apply to any
45 use of the land other than gardening. If the owner charges more than \$25 per year for permission

1 to use a specific part of the owner’s land for gardening and the owner provides notice in the manner
2 provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the re-
3 mainder of the owner’s land.

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

11 “(7) The immunities provided by ORS 105.682 for the harvest of special forest products do not
12 apply if the owner makes any charge for permission to use the land for the harvest of special forest
13 products. If the owner charges for permission to use the owner’s land for the harvest of special
14 forest products, the immunities provided by ORS 105.682 apply to any use of the land other than the
15 harvest of special forest products. If the owner charges for permission to use a specific part of the
16 owner’s land for harvesting special forest products and the owner provides notice in the manner
17 provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the re-
18 mainder of the owner’s land.

19 “(8) Notices under subsections (4) to (7) of this section may be given by posting, as part of a
20 receipt, or by such other means as may be reasonably calculated to apprise a person of:

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

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

25 “**SECTION 11. (1) The amendments to ORS 105.668, 105.672 and 105.688 by sections 5 to 7**
26 **of this 2024 Act apply to actions for personal injury, death or property damage commenced**
27 **on or after the effective date of this 2024 Act, and before January 2, 2026.**

28 “**(2) The amendments to ORS 105.668, 105.672 and 105.688 by sections 8 to 10 of this 2024**
29 **Act become operative on January 2, 2026, and apply to actions for personal injury, death or**
30 **property damage commenced on or after January 2, 2026.**

31 “**(3) An ordinance, resolution, rule, order or other regulation under ORS 105.668 (3) that**
32 **is adopted by a local government other than a city or county is not effective after January**
33 **2, 2026.**

34 “**SECTION 12. This 2024 Act being necessary for the immediate preservation of the public**
35 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
36 **on its passage.”**

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