

SB 1196 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Finance and Revenue

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Meeting Dates: 6/11, 6/16

WHAT THE MEASURE DOES:

Requires the Legislative Revenue Officer to study means for raising dedicated revenue to support recreation activities in Oregon. Directs the Legislative Revenue Officer to submit findings to the interim committees of the Legislative Assembly related to revenue not later than December 1, 2026.

ISSUES DISCUSSED:

- Definition of operator in the measure
- Significance of the measure as economic development tool for the state
- Ordinary negligence vs. gross negligence
- Comparison to other western states in terms of release of claims for ordinary negligence in recreational activities
- Potential impacts to litigations involving ordinary negligence

EFFECT OF AMENDMENT:

-1 Replaces the measure.

Defines an 'operator.' Defines a 'sport, fitness, or recreational activity' in relation to an operator in the measure. Allows an operator to require certain individuals to release the operator from any claim for ordinary negligence in specified situations. Stipulates that an operator may not require a person to release the operator from claims that constitute greater than ordinary negligence. Prescribes applicable dates and circumstances of this act. Takes effect on passage.

-2 Replaces the measure.

Has the entirety of -1 amendment. In addition, specifies that an operator may not require a person to release the operator for injuries to a child under 18 years of age in specified circumstances.

BACKGROUND:

For the purpose of this measure, a 'sport, fitness, or recreational activity' is defined as an indoor or outdoor activity involving elements of inherent risk, including but not limited to hunting, fishing, swimming, boating, rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports, climbing, equestrian and rodeo activities, hiking, outfitter guiding, ocean and water sports, motorized recreation, athletic or fitness competitions or fitness and training activities.

In this measure, an operator means a person that (1) offers a person the opportunity to participate in a sport, fitness or recreational activity, or (2) operates or provides a facility or place where a person can participate in a sport, fitness or recreational activity.