

February 19, 2025 House Committee on Economic Development, Small Business and Trade

Testimony of Lauren Bagley No on House Bill 3140

Chair Nguyen and members of the Committee, my name is Lauren Bagley. I'm the proud mother of Myles Bagley, a wonderful, determined, unstoppable young man whose life forever changed on February 16, 2006, when he skied off a man-made jump at Mt. Bachelor. My son is a paraplegic because of the negligently designed jump.

We were here in March 2015 and February 2023 opposing similar bills seeking immunity for the ski industry and I'm here again today, 10 years later, because I vowed, I would do everything I can to make sure this doesn't happen to someone else's child. And I vowed to make certain that ski resorts and operators are held responsible for the condition of the ski premises they charge the public to use.

Myles was an 18-year-old, expert skier on that day in February 2006 and that's not just me bragging. Myles' ability was recognized by the ski and snowboard community. He was born just naturally agile and active. He took easily to all winter sports; cross-country skiing, ice skating, downhill skiing and then switched to snowboarding in middle school. By the time he started high school in Bend, Myles had clocked in hundreds of hours of training on trampolines – he got the gymnastics part locked in and then took it to the hill. His friends on the hill went pro and Myles was right there with them. So, when he took that jump in 2006, he was not a novice taking a wrong turn. He knew how to negotiate a clean jump. The lip of the jump was poorly designed. It threw him. And it changed the course of his life forever.

Amazing attitude aside, keep in mind he was a teenager, and now a young man, who will need medical supplies and care for the rest of his life, will never walk and battles dark days. The amount of work he continues to put in to keep his life moving forward as best he can, is huge.

And let me assure you, as a parent and as a person I have learned so much on this journey, through over a decade in the courts to testifying before the Senate and now the House. It boils down to this;

1. It's shocking how people who build these jumps aren't trained, how there are no uniform safety and design standards. They are literally just guys who move snow. Ski resorts are a business about making money. If you offer immunity, they will take the shortcut on safety every time. Buying a ticket, a season pass, or a lift ticket, should not give any recreational business a free pass on their responsibility to keep customers safe.
2. The Oregon Ski Statute sets out duties & responsibilities for both operators and skiers. It also sets out clearly the definition of INHERENT RISKS. We all know outdoor activities have dangers associated with them. We all know those activities are inherently risky. Paying customers need to access their own limitations and act accordingly. In some instances, the injury is the fault of the recreator doing things beyond their skill level or being careless. That is not what we are talking about here. We are talking about negligence by the operator of the business. The ski industry at a minimum must follow the basic standards for safety & they cannot escape that duty because someone signed one of the onerous releases. It is **not** okay to ask for immunity for wrongdoing.
3. The interests of any industry and the public must be balanced. They should not be given the power to take away the people's right to have a jury hear the facts of the case and decide if there was negligence. Do not be negligent, keep your facility safe for customers and your staff trained and you don't need immunity.

4. A unanimous decision by the Supreme Court agrees with my logic.

Myles knows we can't give big corporations like Mt. Bachelor a free pass on negligence and neither one of us can stomach the idea of that happening to someone else with no accountability or incentive to ensure safety for their patrons. As recent as Fall of 2024, the Supreme Court of the biggest ski state in the US, Colorado, nullified waivers. The 2nd biggest ski state Vermont, nullified waivers in 1995 and businesses continue to thrive. Don't believe the sky is falling attitude from the supporters of this Bill. It is not and will not.

Opposing this Bill will be good for all recreation businesses as with accountability comes greater safety. Liability breeds responsibility. Don't let this happen to another kid in Oregon. Lastly, I ask you, have your insurance rates in every aspect of your life risen? Or fallen?

I urge you to **Vote No on HB 3140**. Thank you