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House Committee on Economic Development, Small Business, and Trade
Oregon State Capitol, 900 Court Street NE
Room 453
Salem, OR 97301

Re: HB 3140 Relating to recreation; declaring an emergency
Chair Nguyen and Members of the Committee:

Operating a Guiding Service in Oregon, sharing in the natural splendor we have in this great state is a dream career. We aim to provide an empowering experience at the Aerial Park & Ziplines at Salishan with state-of-the-art equipment. We do our best to ensure all equipment & facilities we utilize are in top condition for safety & worry that despite our best efforts, recent legislation surrounding waivers will put our business at undue risk.

With increasing climate change comes a greater incentive for Insurance Companies to question covering what they consider "high risk" clients, raise premiums, & deny coverage for claims as much as possible. Insurance coverage is hard enough to come by for outdoor recreation & is more costly than many other fields, despite many safety measures in place within individual businesses & oversight from 3rd parties; this goes for both liability insurance & workers compensation insurance. It took us reaching out to four different Insurance Companies before one would provide a policy.

On top of that, court rulings have effectively nullified Oregon liability waivers, impacting the accessibility & affordability of recreation & fitness for people across our state. If we want to grow our recreation industry as a State, we must get to a point in legislation where we're at the same balanced standard with every other Western State. The goal of HB 3140 is simple: Take immediate action to address liability reform to realign Oregon with all other Western States & set the groundwork to identify & address climate-driven extreme weather challenges like wildfire smoke.

Liability reform & recreational immunity are related, but different: Liability reform - the proposed reform will enact in Oregon law the well-established legal framework that exists in every other Western State. That is, legal waivers can be signed that hold individuals engaged in inherently risky activities responsible for their actions, while businesses will remain accountable for behavior that is reckless or willful. This is the balanced standard that existed in Oregon before the court rulings & it will ensure consumers have affordable access to recreation & fitness activities.

Sincerely,

Tyler Waldenberger

Owner, Operator