



February 13, 2025

House Committee on Economic Development, Small Business, and Trade
900 Court Street NE
Salem, Oregon 97301

Re: Support for HB 3140, Liability Waivers and Climate Impact Study

Dear Chairman Nguyen, Vice Chair Diehl and Committee Members:

As Oregonians, outdoor recreation is not just an industry—it is part of our identity, contributing to our well-being and supporting countless livelihoods. However, recent court rulings have introduced uncertainty around liability waivers, creating challenges for businesses that provide these recreational opportunities. To preserve access to outdoor activities while maintaining a fair and responsible legal framework, it is crucial to restore the long-standing, balanced approach to liability waivers.

HB 3140 does not remove accountability or limit legal recourse; rather, it reinstates the standard that governed Oregon for decades and remains in place in every other Western state. By clarifying liability expectations, this legislation ensures that businesses can continue offering recreational activities while upholding fairness in legal responsibility.

The courts have effectively nullified Oregon liability waivers, impacting recreation accessibility for people across our state. Currently, unlike every other Western state, the extent of personal responsibility where a person has been or could be injured while participating in activities where inherent risk exists must be determined by case law. This is a lengthy and expensive process for businesses, and for taxpayers funding the court system. Businesses cannot always afford to defend their position in court and are forced to settle lawsuits even when it is obvious the injury can be attributed to the inherent risks of an activity or the plaintiff's own actions and decisions. The current situation is precarious and a threat to Oregon recreation providers who are facing greater insurance and legal pressures compared to similar businesses elsewhere in the country.

Since 1955, my family has operated Timberline Lodge, a National Historic Landmark and an Oregon icon that employs hundreds of people each year. Following a court ruling involving Skibowl's mountain bike park, Timberline's bike park insurance was canceled, forcing an early closure that directly impacted employees across various roles, from trail crews and lift operators to hotel and restaurant staff. Without action to restore legal clarity, similar disruptions could become more common, affecting jobs, businesses, and outdoor access throughout the state.



Beyond liability concerns, recreation providers also face growing challenges related to climate impacts. Increasing in frequency and severity, wildfires limit operations, damages property, raises insurance costs, and affects staff and visitors alike. Increasing exposure to poor air quality, along with threats to public utility infrastructure, adds to the uncertainty businesses must navigate. A study by the Oregon Business Development Department highlights the need for long-term strategies to sustain and protect Oregon's outdoor recreation industry in the face of these challenges.

With bipartisan legislative support and backing from a broad coalition of recreation organizations, Timberline supports HB 3140 as a necessary step toward ensuring the continued viability of Oregon's outdoor recreation industry. Restoring a fair and predictable liability framework will help preserve access to these cherished activities while supporting businesses, employees, and the broader outdoor community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Kohnstamm", is written over a horizontal line.

Jeff Kohnstamm
President / Area Operator
Timberline