



February 18, 2025

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

Re: HB 3140 Relating to recreation; declaring an emergency

Chair Nguyen and Members of the Committee:

As the owner of a snowmobile guide and rental business in Bend, Oregon for the last 23 years, I've seen firsthand how changes to liability waiver laws have upended the tourism industry. Without legal recognition of liability waivers, personal injury lawyers can easily bypass participant agreements, treating small businesses like mine, as targets in their battles with insurance companies. Personal injury lawyers know it costs insurance companies more to take a case to trial than it costs to settle and are taking advantage of the current laws which makes businesses like mine vulnerable to these tactics.

This shift has created a perfect storm: rising insurance premiums, lawsuits for accidents caused by operator error, and financial stress that threatens to drive long-standing small businesses to the brink. Our insurance premiums have more than doubled in the last few years. These increased costs and the constant threat of lawsuits has forced us to raise prices and cut community education programs, like our avalanche safety courses. These changes hurt consumers and the outdoor recreation and tourism industry. It also threatens the financial stability of the small businesses providing the activities. The current law only benefits the personal injury lawyers.

Participating in any outdoor activity involves risk. We operate in the outdoors which is an uncontrollable and unpredictable environment. In our situation, people with little or no experience on motorized equipment are operating a snowmobile on snow and ice, on uneven terrain, and sometimes inclement weather. We provide a safety briefing and instruction on how to operate the equipment and an opportunity to practice and become familiar with the equipment. We also communicate with each rider and make sure that they feel comfortable before leaving on the trails. Every participant has multiple opportunities to back out if they feel unsafe. They are in control and are operating their own equipment. When customers sign participant agreements, they recognize the risks involved and still choose to participate. Under current laws, that acknowledgment holds no weight, leaving businesses vulnerable to legal claims even when safety protocols are followed, and accidents are beyond our control and/or caused by operator error.

We had a case in which a customer had an accident and totaled a machine. In our efforts to recover the cost of the equipment, their response was to sue us and file a personal injury claim. During the process of mediation, it became clear through medical records via subpoenaed documentation, the injury they claimed occurred was in fact an injury from a previous accident and did not occur on the trip. The insurance company decided to settle because the cost of defending the case would far exceed the cost of settling. As part of the settlement agreement, we lost the equipment and future revenue from that loss, had to pay our deductible to the insurance company, and incurred additional legal fees for outside counsel. This incident cost us tens of thousands of dollars and increased our insurance premiums. They would have committed perjury if the case went to court, instead they received a settlement. This is just one example of why this law needs to change.

As a guide and outfitter, no one wants to have an accident on their trips and have a client incur any type of injury. We do everything we can to prevent accidents from happening. We're committed to safety. We invest in training, we maintain strict operating procedures, and provide emergency preparedness to protect our customers. Yet, no matter how much we train and prepare; accidents still happen. There must be an acknowledgement that there is risk that accidents can occur that are out of anyone's control.

Without legislative action, businesses like mine face an uncertain future. HB 3140 restores fairness, recognizing liability waivers and protecting small businesses from unnecessary legal battles. Lawmakers must support this bill to ensure local businesses can thrive and continue offering safe, memorable experiences for all.

We would like to thank Daniel Nguyen, the committee members, and House leadership for their time and commitment to this Bill.

Sincerely,

Amber Greiner  
Central Oregon Adventures Inc.