



February 20, 2025

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

**HB 3140: Protecting Oregon Recreation
Accessibility and Economic Sustainability**

Chair Nguyen, Vice-Chairs Diehl and Isadore, and Members of the Committee:

Mt. Hood Meadows Oreg., LLC strongly supports HB 3140.

Ordinary Negligence and Equal Access to Justice

HB 3140 does not remove accountability for recreation service providers. Nor does it compromise access to legal recourse for the recreating public. HB 3140 re-establishes the standard of enforceable liability releases in Oregon for ordinary negligence only. This balanced standard has been in place in Oregon for decades until the Bagley ruling in 2014, which blurred the very clear line between ordinary negligence and gross negligence. The Oregon Legislature must re-establish this clear line by adopting the balanced approach to inherent risk (ordinary negligence) in place prior to the 2014 ruling, ensuring alignment between personal responsibility and business accountability, as all other Western states have. This will help Oregon sustain its outdoor recreation industry, protect jobs, and maintain access to the natural spaces that define our State for Oregonians and visitors.

Safety

Safety is the essence of our culture at Mt. Hood Meadows. Our Owners, Management, Team Members and their respective families all ride the same lifts and terrain as our guests. We are accountable to each other to uphold the "Responsibility Code" established many years ago by the National Ski Areas Association (which is widely publicized throughout the resort and on our media) and the "Rules of Use" associated with our Special Use Permit with the United States Forest Service.

We operate every day in a beautiful yet volatile and potentially hazardous high alpine mountain environment. Providing a safe working and recreating environment is Mt. Hood Meadows' top operating priority. We focus continually on workplace and mountain safety education, which you can study on <www.skihood.com>.

Mt. Hood Meadows, nor any other recreation services provider, can control or be responsible for the inherent risks associated with the pursuit of outdoor recreation, or the choices guests decide to make while recreating which may cause them or others injury. Individuals will always be the judge of their limitations.

Like many Oregonians, my family and I have recreated together in Oregon since the 1960's. We have consistently experienced resorts, recreation facilities, and guide outfitters who focused on safe practices, outdoor education, and the well-being of their customers as part of the awesome outdoor recreation experiences they provide. I believe that all recreation service providers make safety their top priority not only because it is the right thing to do – it is in the continued best interest of their businesses.

Oregon's Outdoor Recreation Culture

Outdoor recreation is woven into the fabric of Oregon's heritage and culture. The natural beauty of our State's diverse landscape has created a broad range of outdoor recreation opportunities that have become a large part of Oregon's identity worldwide. Outdoor recreation is also one of the largest industries in the State, employing and educating many while contributing significantly to State and local tax revenues. Oregonians are rugged, resourceful, and accountable folks who rightly expect access to outdoor recreation opportunities throughout their State. Visitors to the State expect the same access to the exciting recreation opportunities that Travel Oregon (funded by Oregon's lodging tax) spends millions on each year to promote.

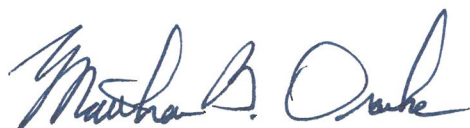
Oregonians understand the inherent risks associated with outdoor recreation and make personal choices accordingly. Without the liability waiver reform in HB 3140, multi-million dollar personal injury lawsuits against recreation providers will continue to result in higher general liability insurance premiums and reduced insurance coverage options — including the very real possibility that insurance carriers will simply exit the Oregon market. Additionally, catastrophic wildfire events in Western states continue to drive up property insurance costs and terms to unsustainable levels. The dramatically increasing costs of general liability and property insurance are well beyond the control of all outdoor recreation service providers in Oregon. This is an existential economic threat to their ability to operate a financially sustainable business. Without outdoor recreation service providers, public access to outdoor recreation in Oregon will be severely compromised, along with Oregon's reputation as a place to visit and enjoy outdoor recreation.

I have focused on advocacy for outdoor recreation liability reform since the 2014 "Bagley" case. I continue to serve as a *member of the Governor's Task Force on Outdoor Recreation*. Restoring recreational immunity and liability provisions was identified by this Task Force as the single greatest threat to sustainable outdoor recreation in Oregon. Please see the link below for the *2020 Framework for Action, Governor's Task Force on the Outdoors: 2020 Framework for Action (Page 19)*: <https://www.oregon.gov/orec/Documents/OREC-Gov-Task-Force-Outdoors-2020.pdf>

I respectfully urge you to hear the collective voice of this experienced Task Force, comprised of a uniquely broad range of Oregon outdoor recreation leaders from industry, non-profits, and State and Municipal agencies, and vote "**DO PASS**" on HB 3140 to rectify the liability waiver imbalance and safeguard Oregon outdoor recreation.

Thank you for this opportunity to provide written testimony in support of this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew B. Drake". The signature is fluid and cursive, with the first name being the most prominent.

Matthew B. Drake
President, MBD Development, LLC
Manager, Mt. Hood Meadows OREG., LLC