

June 11, 2025

Senate Committee on Finance & Revenue

Testimony of Joe Piucci in Opposition to SB 1196

Chair Meek, Vice-Chair Lance, members of the committee: My name is Joe Piucci and I am a lawyer who represents injured people from across the state, including some who have been injured or killed by negligent outdoor recreational operators. Joel Shaich and Amanda Halbirt were my clients. I am also a member of the work group created by House Judiciary Chair Kropf that is actively working on a solution to the real issue that underlies this bill: insurance availability and affordability.

Let's be clear about one thing: this bill extinguishes the legal rights of Oregonians. It does not solve any problems. It will not make insurance companies lower their rates. It will not bring more insurers into the marketplace. What it will do is take away the rights of your own constituents. That's it.

A lot of the focus thus far has been on outdoor recreation. But this bill is expansive. On the long list is "team and individual sports," which brings me to Mary Cain's story. She can't be here today, but you can read her written testimony. She was subjected to unthinkable behavior and treatment by her track coach Alberto Salazar. Her written testimony speaks for itself.

Make no mistake: Larry Nassar. Jerry Sandusky, we all know these household names. If this bill were to pass, athletes like Mary would not be able to hold predatory coaches or doctors accountable for their behavior. Everyone would be forced to sign waivers, and no business or institution could be ever held accountable for negligence.

Now, the insurance industry says that this bill won't take away anyone's rights as a person can still sue for gross negligence. You must realize that gross negligence is an insurmountable hurdle in most cases. Gross negligence requires "conscious indifference" or "reckless disregard." This is a very difficult bar to meet, and very few will. By passing this bill, you will be taking away Oregonian's rights.

At the first meeting of the work group, the insurance industry representatives were clear about one thing: passing this bill does not guarantee that a single insurer will lower its rates or re-enter the market. Maybe, "in ten years, they might come back", was all they could offer. This is not serious. We, as Oregonians, want recreational businesses to thrive. This bill will not make that happen.

Please allow the work group to continue its work on a real solution to this problem and vote no on this bill.

The point is this: current law not only protects responsible businesses but also protects the rights of Oregonians. Passing this bill would extinguish those rights and only protect the businesses that are NOT responsible, by allowing them to shirk responsibility for their negligence.