

SB 1593 A STAFF MEASURE SUMMARY

Senate Committee On Commerce and General Government

Action Date: 02/11/26

Action: Do pass with amendments, subsequent referral to Judiciary be rescinded and requesting referral to Rules. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Drazan, Meek, Neron Misslin, Pham, Robinson

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 2/9, 2/11

WHAT THE MEASURE DOES:

The measure allows recreational operators to require liability waivers from people age 18 and older, or from a minor's parent or guardian, that release the operator from claims of ordinary negligence relating to sports, fitness, or recreational activities. It allows waivers to be required before a person participates in the activity, rents equipment, uses a facility, or volunteers. The measure states that such releases are not unconscionable or void as contrary to public policy. It prohibits an operator from requiring a person to release them from any claim for a willful or wanton act or omission, a reckless act or omission, or a grossly negligent act or omission. The measure applies to releases executed before, on, or after the measure goes into effect and does not apply to releases for claims in which a final judgment has been entered before the measure's effective date. The measure declares an emergency, effective on its passage.

ISSUES DISCUSSED:

- The recreation sector's impact on Oregon's economy
- Oregonians' access to outdoor recreation activities
- The ability of businesses in the recreation sector to attain liability insurance
- Utilization of waivers in other states
- Inclusion of provisions to allow waivers for minors
- *Bagley v. Mt. Bachelor, Inc.* (2014)
- Ability of a person to seek redress

EFFECT OF AMENDMENT:

The amendment allows recreational operators to require liability waivers from people age 18 and older, or from a minor's parent or guardian, releasing the operator from claims of ordinary negligence relating to sports, fitness, or recreational activities. It prohibits an operator from requiring a person to release them from any claim for a willful or wanton act or omission, a reckless act or omission, or a grossly negligent act or omission. The amendment removes the study on recreation commerce in Oregon.

BACKGROUND:

In 2014, the Oregon Supreme Court ruled in *Bagley v. Mt. Bachelor, Inc.* that businesses may be sued for negligence even when someone engaging in sports or recreation has signed a waiver. The decision found that the waiver was an "unconscionable contract," meaning that it was unenforceable. Since then, additional lawsuits have been filed against recreational operators in situations in which someone has signed a waiver and has then been injured while engaging in sports and recreation.