

B-Engrossed Senate Bill 1517

Ordered by the House March 4
Including Senate Amendments dated February 19 and House Amendments
dated March 4

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that an operator can make a person doing sports, fitness or recreation waive some claims for negligence. The Act says that some types of claims may not be waived. The Act says that whether a risk is inherent to an activity is a question of law. (Flesch Readability Score: 76.5).

[Digest: The Act says that an operator can make a person doing sports, fitness or recreation waive some claims for negligence. The Act says that some types of claims may not be waived. (Flesch Readability Score: 82.2).]

Provides that an operator may require a participant in a sport, fitness or recreational activity to release the operator for claims for ordinary negligence under certain circumstances. Specifies certain types of claims that may not be waived.

Provides that in a claim for damages for injuries sustained while a participant is engaged in a sport, fitness or recreational activity, whether a risk is inherent to the activity is a question of law.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to civil litigation; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Operator" means a person that:**

6 (A) **Offers a person the opportunity to participate in a sport, fitness or recreational ac-**
7 **tivity; or**

8 (B) **Operates or provides a facility or place where a person can participate in a sport,**
9 **fitness or recreational activity.**

10 (b) **"Sport, fitness or recreational activity" means an indoor or outdoor activity involving**
11 **elements of inherent risk, including but not limited to hunting, fishing, swimming, boating,**
12 **rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports,**
13 **climbing, equestrian and rodeo activities, hiking, outfitter guiding, environmental restoration**
14 **and maintenance, ocean and water sports, motorized recreation, athletic or fitness competi-**
15 **tions, fitness activities and training activities.**

16 (2) **Except as provided in subsection (3) of this section, an operator may require a par-**
17 **ticipant in a sport, fitness or recreational activity who is 18 years of age or older, or a parent**
18 **or guardian on behalf of a participant in a sport, fitness or recreational activity who is under**
19 **18 years of age, to release the operator from any claim for damages for injuries to the par-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 participant resulting from ordinary negligence that arises out of the sport, fitness or recre-
2 ational activity, or out of volunteering to maintain facilities or places used for a sport,
3 fitness or recreational activity, if the participant or parent or guardian voluntarily signs a
4 clear and unambiguous written release disclosing risks associated with the sport, fitness or
5 recreational activity or volunteering and waiving the operator's liability for damages for in-
6 juries resulting from those risks. A release described in this subsection is not per se
7 unconscionable or void as contrary to public policy.

8 (3) An operator may not require a person to release the operator from the following types
9 of claims:

10 (a) Claims for greater than ordinary negligence, including gross negligence, reckless
11 conduct, willful misconduct or intentional torts.

12 (b) Claims for negligence per se.

13 (c) Claims relating to the maintenance or inspection of safety equipment supplied by the
14 operator and used in connection with the sport, fitness or recreational activity or volun-
15 teering.

16 (d) Claims relating to negligent safety-related training of an employee or agent of the
17 operator whose conduct causes injury.

18 (e) Claims relating to abuse, as defined in ORS 419B.005, or physical or sexual assault of
19 an adult.

20 (f) Claims relating to the negligent hiring, training, credentialing, supervision or re-
21 tention of an employee or agent of the operator whose conduct that causes injury constitutes
22 gross negligence, reckless conduct, willful misconduct or an intentional tort.

23 (g) Claims relating to the operation or use of any vehicle, including but not limited to
24 automobiles, buses, vans, snowmobiles, snow cats, all-terrain vehicles, utility terrain vehicles
25 or side-by-sides, including if the vehicle is used for transportation to or from the location
26 where the sport, fitness or recreational activity or volunteering takes place, unless the par-
27 ticipant uses the vehicle as part of the sport, fitness or recreational activity or volunteering
28 itself.

29 (4) A release that is broader than the release described in subsections (2) and (3) of this
30 section shall be construed within the limits stated in subsections (2) and (3) of this section.

31 (5) In a claim for damages for injuries to a participant sustained while the participant is
32 engaged in a sport, fitness or recreational activity or volunteering to maintain facilities or
33 places used for a sport, fitness or recreational activity, whether a risk is inherent to the
34 sport, fitness or recreational activity or volunteering is a question of law.

35 (6) This section does not limit or modify the provisions of ORS 30.970 to 30.990.

36 SECTION 2. Section 1 of this 2026 Act applies to releases, whether executed before, on
37 or after the effective date of this 2026 Act, of claims that arise on or after the effective date
38 of this 2026 Act.

39 SECTION 3. This 2026 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
41 on its passage.