

SB 1517-3
(LC 143)
2/6/26 (MNJ/ps)

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
SENATE BILL 1517**

On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and delete line 3 and insert “amending ORS 30.772, 30.970, 105.672, 105.676, 105.682, 105.688, 105.692 and 105.696; and repealing ORS 105.668.”.

On page 2, after line 40, insert:

“SECTION 6. ORS 105.672 is amended to read:

“105.672. As used in ORS 105.672 to 105.696:

“[(1) ‘Charge’:]

“[(a) Means the admission price or fee requested or expected by an owner in return for granting permission for a person to enter or go upon the owner’s land.]

“[(b) Does not mean any amount received from a public body in return for granting permission for the public to enter or go upon the owner’s land.]

“[(c) Does not include the fee for a winter recreation parking permit or any other parking fee of \$15 or less per day.]

“[(2)] (1) ‘Harvest’ has that meaning given in ORS 164.813.

“[(3)] (2)(a) ‘Land’ [includes] **means** all real property, whether publicly or privately owned[.], **including:**

“(A) Bodies of water and land adjacent or contiguous to any bodies of water, watercourses or the ocean shore, as defined in ORS 390.605;

“(B) Paths or trails, including stairs and bridges that are ordinarily accessible on foot, on a horse or on a bicycle;

1 “(C) Private roads; or

2 “(D) Any machinery or equipment on the land.

3 “(b) ‘Land’ does not include:

4 “(A) Any building, fixture or indoor area;

5 “(B) Land within the right of way of a highway, as defined in ORS
6 801.305; or

7 “(C) A paved or otherwise improved parking lot or improved side-
8 walk or walkway supporting a structure.

9 “[(4)] (3) ‘Land owner’ or ‘owner’ means:

10 “(a) The [possessor] **holder** of any interest in any land, including but not
11 limited to the holder of any legal or equitable title, a tenant, a lessee, an
12 occupant, the holder of an easement, the holder of a right of way or a person
13 in possession of the land;

14 “(b) An officer, employee, volunteer or agent of a person described in
15 paragraph (a) of this subsection, while acting within the scope of assigned
16 duties; and

17 “(c) A director, partner, general partner, shareholder, limited liability
18 company member, limited liability partner or limited partner of a person
19 described in paragraph (a) of this subsection.

20 “(4) ‘Land user’ or ‘user’ means a person who enters, uses or is
21 present on the land of another, with or without invitation, permission
22 or authorization, except for a person who is acting within their ca-
23 pacity as an employee or agent of the land owner.

24 “(5) ‘Recreational [purposes] **activities**’ includes, but is not limited to,
25 outdoor activities such as hunting, fishing, swimming, boating, camping,
26 picnicking, hiking, walking, running, bicycling, nature study, outdoor edu-
27 cational activities, waterskiing, winter sports, viewing or enjoying historical,
28 archaeological, scenic or scientific sites or volunteering for any public pur-
29 pose project.

30 “(6) ‘Special forest products’ has that meaning given in ORS 164.813.

1 “(7) ‘Woodcutting’ means the cutting or removal of wood from land by an
2 individual who has obtained permission from the owner of the land to cut
3 or remove wood.

4 **“SECTION 7.** ORS 105.682 is amended to read:

5 “105.682. *[(1) Except as provided by subsection (2) of this section, and sub-*
6 *ject to the provisions of ORS 105.688, an owner of land is not liable in contract*
7 *or tort for any personal injury, death or property damage that arises out of the*
8 *use of the land for recreational purposes, gardening, woodcutting or the har-*
9 *vest of special forest products when the owner of land either directly or indi-*
10 *rectly permits any person to use the land for recreational purposes, gardening,*
11 *woodcutting or the harvest of special forest products. The limitation on liabil-*
12 *ity provided by this section applies if the principal purpose for entry upon the*
13 *land is for recreational purposes, gardening, woodcutting or the harvest of*
14 *special forest products, and is not affected if the injury, death or damage oc-*
15 *curs while the person entering land is engaging in activities other than the*
16 *use of the land for recreational purposes, gardening, woodcutting or the har-*
17 *vest of special forest products.]*

18 “[2) *This section does not limit the liability of an owner of land for in-*
19 *tentional injury or damage to a person coming onto land for recreational pur-*
20 *poses, gardening, woodcutting or the harvest of special forest products.]*

21 **“Except as provided in ORS 105.688, an owner is not liable for any**
22 **personal injury, death or property damage that is caused by or arises**
23 **out of:**

24 **“(1) A land user’s use of the land for recreational activities, gar-**
25 **dening, woodcutting or the harvest of special forest products; and**

26 **“(2) An owner’s improvements on, care for or maintenance of the**
27 **land, including actions or omissions of the owner that are negligent,**
28 **grossly negligent or reckless, provided that the owner did not intend**
29 **to cause the harm.**

30 **“SECTION 8.** ORS 105.688 is amended to read:

1 “105.688. [(1) *Except as specifically provided in ORS 105.672 to 105.696, the*
2 *immunities provided by ORS 105.682 apply to:*]

3 “[(a) *All land, including but not limited to land adjacent or contiguous to*
4 *any bodies of water, watercourses or the ocean shore as defined by ORS*
5 *390.605;*]

6 “[(b) *All roads, bodies of water, watercourses, rights of way, buildings,*
7 *fixtures and structures on the land described in paragraph (a) of this sub-*
8 *section;*]

9 “[(c) *All paths, trails, roads, watercourses and other rights of way, while*
10 *being used by a person to reach land for recreational purposes, gardening,*
11 *woodcutting or the harvest of special forest products, that are on land adjacent*
12 *to the land that the person intends to use for recreational purposes, gardening,*
13 *woodcutting or the harvest of special forest products, provided that:*]

14 “[(A) *The right of way has not been improved, designed or maintained for*
15 *the specific purpose of providing access for recreational purposes, gardening,*
16 *woodcutting or the harvest of special forest products; or]*

17 “[(B)(i) *The right of way has been improved, designed or maintained to*
18 *provide access for recreational purposes, gardening, woodcutting or the harvest*
19 *of special forest products;*]

20 “[(ii) *The right of way is not a highway under the jurisdiction of a road*
21 *authority under ORS 810.010; and]*

22 “[(iii) *The improvement, design or maintenance was completed in a manner*
23 *that does not constitute:*]

24 “[(I) *Gross negligence or reckless, wanton or intentional misconduct; or]*

25 “[(II) *An activity for which the actor is strictly liable without regard to*
26 *fault; and]*

27 “[(d) *All machinery or equipment on the land described in paragraph (a)*
28 *of this subsection.]*

29 “[(2) *The immunities provided by ORS 105.682 apply to land if the owner*
30 *transfers an easement to a public body to use the land.]*

1 “[(3) *Except as provided in subsections (4) to (7) of this section,*] The im-
2 munities provided by ORS 105.682 do not apply if the owner makes any
3 charge [*for permission to use the land for recreational purposes, gardening,*
4 *woodcutting or the harvest of special forest products.*] **to the land user in**
5 **exchange for the permission to enter upon or to use the land, unless**
6 **the charge:**

7 “[(4) *If the owner charges for permission to use the owner’s land for one*
8 *or more specific recreational purposes and the owner provides notice in the*
9 *manner provided by subsection (8) of this section, the immunities provided by*
10 *ORS 105.682 apply to any use of the land other than the activities for which*
11 *the charge is imposed. If the owner charges for permission to use a specified*
12 *part of the owner’s land for recreational purposes and the owner provides no-*
13 *tice in the manner provided by subsection (8) of this section, the immunities*
14 *provided by ORS 105.682 apply to the remainder of the owner’s land.*]

15 “[(5) *The immunities provided by ORS 105.682 for gardening do not apply*
16 *if the owner charges more than \$25 per year for the use of the land for gar-*
17 *dening. If the owner charges more than \$25 per year for the use of the land*
18 *for gardening, the immunities provided by ORS 105.682 apply to any use of the*
19 *land other than gardening. If the owner charges more than \$25 per year for*
20 *permission to use a specific part of the owner’s land for gardening and the*
21 *owner provides notice in the manner provided by subsection (8) of this section,*
22 *the immunities provided by ORS 105.682 apply to the remainder of the owner’s*
23 *land.*]

24 “[(6) *The immunities provided by ORS 105.682 for woodcutting do not apply*
25 *if the owner charges more than \$75 per cord for permission to use the land for*
26 *woodcutting. If the owner charges more than \$75 per cord for the use of the*
27 *land for woodcutting, the immunities provided by ORS 105.682 apply to any*
28 *use of the land other than woodcutting. If the owner charges more than \$75*
29 *per cord for permission to use a specific part of the owner’s land for*
30 *woodcutting and the owner provides notice in the manner provided by sub-*

section (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.]

“(7) The immunities provided by ORS 105.682 for the harvest of special forest products do not apply if the owner makes any charge for permission to use the land for the harvest of special forest products. If the owner charges for permission to use the owner's land for the harvest of special forest products, the immunities provided by ORS 105.682 apply to any use of the land other than the harvest of special forest products. If the owner charges for permission to use a specific part of the owner's land for harvesting special forest products and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.]

“(1) Is less than \$25 per year to use the land for gardening;

“(2) Is less than \$75 per cord to use the land for woodcutting;

“(3) Is less than \$15 per day and is charged only to use the land for parking; or

“(4) Is only to use the land for those limited uses that are permitted or reasonably foreseeable by the land owner or to enter upon or use only specified portions of the land. In circumstances described in this subsection, the immunities provided by ORS 105.682 apply:

“(a) Only to the land user's forbidden or unexpected uses of the land or to the land user's entry upon or uses of the unpermitted portions of the land; and

“(8) (b) [Notices under subsections (4) to (7) of this section may be given] Only if the land owner has given notice to the land user by posting, as part of a receipt, or by such other means as may be reasonably calculated to apprise a person of:

“(a) (A) The limited uses of the land for which the charge is made, and the immunities provided under ORS 105.682 for other uses of the land; or

“(b) (B) The portion of the land the use of which is subject to the

1 charge, and the immunities provided under ORS 105.682 for the remainder
2 of the land.

3 **“SECTION 9.** ORS 105.692 is amended to read:

4 “105.692. (1) An owner of land who either directly or indirectly **tolerates**
5 **or** permits any person to use the land for recreational [*purposes*] **activities**,
6 gardening, woodcutting or the harvest of special forest products does not
7 give that person or any other person a right to continued use of the land for
8 those [*purposes*] **uses** without the consent of the owner.

9 “(2) [*The fact that*] An owner of land [*allows*] **who tolerates or permits**
10 the public to use the land for recreational [*purposes*] **activities**, gardening,
11 woodcutting or the harvest of special forest products without posting, fenc-
12 ing or otherwise restricting use of the land [*does not raise a presumption that*
13 *the landowner*] **is not presumed to have** intended to dedicate or otherwise
14 give over to the public the right to continued use of the land.

15 “(3) [*Nothing in this section shall be construed to*] **This section does not**
16 diminish or divert any public right to use land for recreational [*purposes*]
17 **activities** acquired by dedication, prescription, grant, custom or otherwise
18 existing before October 5, 1973.

19 “(4) [*Nothing in this section shall be construed to*] **This section does not**
20 diminish or divert any public right to use land for woodcutting acquired by
21 dedication, prescription, grant, custom or otherwise existing before October
22 3, 1979.

23 **“SECTION 10.** ORS 105.696 is amended to read:

24 “105.696. ORS 105.672 to 105.696 do not:

25 “(1) Create a duty of care or basis for liability for personal injury, death
26 or property damage resulting from the use of land for recreational [*purposes,*
27 *for gardening, for woodcutting or for*] **activities, gardening, woodcutting**
28 **or** the harvest of special forest products.

29 “(2) Relieve a [*person using the land of another for recreational purposes,*
30 *gardening, woodcutting or the harvest of special forest products*] **land user**

1 from any obligation that the [person] **land user** has to exercise care in use
2 of the land in the activities of the [person] **land user** or from the legal
3 consequences of failure of the [person] **land user** to exercise that care.

4 **“SECTION 11. ORS 105.668 is repealed.**

5 **“SECTION 12. ORS 30.772 is amended to read:**

6 **“30.772. (1) As used in this section:**

7 **“(a) ‘Airstrip’ means land that contains a runway or heliport operated and**
8 **maintained for the takeoff and landing of motorized aircraft and that is**
9 **registered with the Oregon Department of Aviation or the Federal Aviation**
10 **Administration at the time of the flight at issue.**

11 **“(b) ‘Aviation activity’ includes but is not limited to hang gliding,**
12 **parachuting, paragliding and operating airplanes or ultralight aircraft.**

13 **“(c)(A) ‘Charge’ [has the meaning given that term in ORS 105.672] means**
14 **the admission price or fee requested or expected by an owner in return**
15 **for granting permission for a person to enter or go upon the owner’s**
16 **land.**

17 **“(B) ‘Charge’ does not include a parking fee of \$15 or less per day**
18 **or an amount received from a public body in return for granting per-**
19 **mission for the public to use the owner’s land.**

20 **“(d) ‘Land’ has the meaning given that term in ORS 105.672.**

21 **“(e) ‘Nonpublic airstrip’ means an airstrip that is registered as a private**
22 **use airport with the Oregon Department of Aviation or the Federal Aviation**
23 **Administration at the time of the flight at issue.**

24 **“(f) ‘Owner’ has the meaning given that term in ORS 105.672.**

25 **“(g) ‘Public airstrip’ means an airstrip that is not a nonpublic airstrip.**

26 **“(2) An owner of land is not liable for any personal injury, death or**
27 **property damage arising from the use of land for purposes of aviation activ-**
28 **ity, unless the owner intentionally causes the injury, death or property**
29 **damage.**

30 **“(3) Subsection (2) of this section does not apply to any of the following:**

“(a) An owner of a public airstrip.

“(b) An owner of a nonpublic airstrip if:

“(A) The owner is contacted by the operator of a motorized aircraft prior to the beginning of the aircraft’s flight;

“(B) The owner provides permission to the operator to use the owner’s land for activities related to the aircraft’s flight; and

“(C) Gross negligence of the owner causes injury, death or property damage related to the aircraft’s flight.

“(c) An owner of land who imposes a charge for the use of the land for aviation purposes.

“SECTION 13. ORS 105.676 is amended to read:

“105.676. The Legislative Assembly hereby declares it is the public policy of the State of Oregon to encourage owners of land to make their land available to the public for recreational [*purposes*] **activities**, for gardening, for woodcutting and for the harvest of special forest products by limiting their liability toward persons entering thereon for such purposes and by protecting their interests in their land from the extinguishment of any such interest or the acquisition by the public of any right to use or continue the use of such land for recreational [*purposes*] **activities**, gardening, woodcutting or the harvest of special forest products.”.