

SB 1517-6
(LC 143)
2/12/26 (MNJ/ps)

Requested by Senator BROADMAN

**PROPOSED AMENDMENTS TO
SENATE BILL 1517**

1 On page 1 of the printed bill, line 2, after “litigation;” delete the rest of
2 the line and insert “and declaring an emergency.

3 “Whereas Oregonians and the Oregon economy benefit tremendously from
4 this state’s recreation and health and fitness industries; and

5 “Whereas Oregon’s recreation and health and fitness providers offer safe
6 and enjoyable access to outdoor and indoor recreation and health and fitness
7 opportunities throughout this state and contribute significantly to the men-
8 tal and physical health and well-being of Oregonians and visitors to this
9 state; and

10 “Whereas local communities rely on the commerce associated with the
11 recreation and health and fitness industries to strengthen their economies,
12 create jobs and enhance their quality of life; and

13 “Whereas Oregon’s tourism industry benefits greatly from the commerce
14 associated with the recreation and health and fitness industries; and

15 ““Whereas *Bagley v. Mt. Bachelor, Inc.*, 356 Or. 543 (2014), determined that
16 enforcement of certain releases would be unconscionable, *see Becker v.*
17 *Hoodoo Ski Bowl Devs., Inc.*, 269 Or. App. 877, 883 (2015); and

18 “Whereas the *Bagley* decision did not invalidate all releases, *Bagley v.*
19 *Mt. Bachelor, Inc.*, 356 Or. 543, 545 (2014); and

20 “Whereas waivers of liability are not unenforceable under Oregon law;
21 now, therefore,”.

Delete lines 4 through 29 and delete page 2 and insert:

“SECTION 1. (1) As used in this section:

“(a) ‘Operator’ means a person that:

“(A) Offers a person the opportunity to participate in a sport, fitness or recreational activity; or

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

“(b) ‘Sport, fitness or recreational activity’ means an indoor or outdoor activity involving elements of inherent risk, including but not limited to hunting, fishing, swimming, boating, rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports, climbing, equestrian and rodeo activities, hiking, outfitter guiding, ocean and water sports, motorized recreation, athletic or fitness competitions and fitness and training activities.

“(2) Except as provided in subsection (3) of this section, an operator may require a participant in a sport, fitness or recreational activity who is 18 years of age or older, or a parent or guardian on behalf of a participant in a sport, fitness or recreational activity who is under 18 years of age, to release the operator from any claim for damages for injuries to the participant resulting from ordinary negligence and sustained while in the act of performing the sport, fitness or recreational activity if the participant or parent or guardian voluntarily signs a conspicuous written release fully disclosing the risks associated with the sport, fitness or recreational activity and waiving the operator’s liability for damages for injuries resulting from those risks. A release described in this subsection is not per se unconscionable or void as contrary to public policy.

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

“(a) Claims for greater than ordinary negligence, including gross

1 negligence, reckless conduct, willful misconduct or intentional acts.

2 “(b) Claims for injuries not sustained during the act of performing
3 the sport, fitness or recreational activity, including but not limited to
4 injuries occurring in parking areas, lodges, rental facilities or other
5 premises not directly part of the sport, fitness or recreational activity
6 itself.

7 “(c) Claims relating to the design, use, manufacture, provision,
8 maintenance or inspection of equipment, safety gear or apparatus used
9 in connection with the sport, fitness or recreational activity.

10 “(d) Claims arising from the operator’s violation of any statute,
11 administrative rule or industry safety standard applicable to the sport,
12 fitness or recreational activity.

13 “(e) Claims relating to negligent hiring, training, credentialing or
14 supervision of employees, guides, instructors or independent contrac-
15 tors.

16 “(f) Claims relating to failure to warn of known hazards that are
17 not inherent risks of the sport, fitness or recreational activity.

18 “(g) Claims relating to the operation, maintenance or use of any
19 vehicle, including but not limited to automobiles, buses, vans,
20 snowmobiles, snow cats, all-terrain vehicles, utility terrain vehicles,
21 side-by-sides or any other motorized conveyance, including if the ve-
22 hicle is used for transportation to or from the location where the
23 sport, fitness or recreational activity takes place, unless the partic-
24 ipant uses the vehicle as part of the sport, fitness or recreational ac-
25 tivity itself.

26 “(4) A release that is broader than the release described in sub-
27 sections (2) and (3) of this section shall be construed within the limits
28 stated in subsections (2) and (3) of this section.

29 **“SECTION 2.** This 2026 Act being necessary for the immediate
30 preservation of the public peace, health and safety, an emergency is

1 **declared to exist, and this 2026 Act takes effect on its passage.”.**

2
