

**MBD Development
Manager, Mt. Hood Meadows Oreg., LLC**

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February 9, 2026

Senate Committee Commerce and General Government
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

RE: Testimony in Support of SB 1593/HB 4071

Chair Meek, Vice Chair Drazan, and Members of the Committee:

For the record, my name is Matthew B. Drake. I am the Manager of Mt. Hood Meadows Oreg., LLC which owns and operates Mt. Hood Meadows Ski Resort and Cooper Spur Mountain Resort. We are an Oregon-based organization founded in 1967 by Oregonians. On behalf of our company and the 1,200 members of the Meadows team, I strongly support SB 1593/HB 4071.

**AN ENFORCEABLE RECREATION LIABILITY WAIVER IS AN
ESSENTIAL ELEMENT TO SUSTAINABLE RECREATION IN OREGON**

Contrary to erroneous claims made by the Oregon Trial Lawyers Association and the many political leaders they support, SB 1593/HB 4071 does not remove accountability for recreation service providers. Nor does it compromise access to legal recourse for the recreating public. SB 1593/HB 4071 re-establishes the long-standing standard of enforceable liability releases in Oregon for ordinary negligence only. This balanced standard has been in place in Oregon for decades until the Bagley decision in 2014, which blurred the very clear line between ordinary negligence and gross negligence.

The Oregon Legislature has delayed for ten years the passage of a workable waiver and must re-establish this clear line by adopting the proposed balanced approach to legally recognize the inherent risk of skiing and wide array of both indoor and outdoor recreation activities. The Oregon Legislature must act this session to ensure alignment between personal responsibility and business accountability, as all other Western states have. This will help Oregon sustain its \$17 billion outdoor recreation industry, protect jobs, and maintain access to the natural spaces that define our state for both Oregonians and visitors.

SAFETY

Safety is the essence of our culture at Mt. Hood Meadows. Our Owners, Management, Team Members and their respective families all ride the same lifts and terrain as our guests. We are accountable to each other to uphold the two important safety pillars of rules for recreating and working at our resorts:

Pillar #1: The *"Responsibility Code"* established many years ago by the National Ski Areas Association, is widely publicized throughout our resorts and our media. This code establishes basic guidelines and requirements for a safe recreation experience.

Pillar #2: The *"Rules of Use"* are associated with our Special Use Permit administered by the United States Forest Service and align with our company's Core Values.

Enforceable liability waivers help educate users to practice and uphold the elements of these two important safety pillars.

We operate every day in a beautiful, yet volatile and potentially hazardous, high alpine mountain environment. Providing a safe working and recreating environment is our top operating priority. We focus continually on workplace and mountain safety education, which you can study on www.skihood.com.

RECOGNIZING AND RESPECTING THE INHERENT RISKS OF RECREATION

Mt. Hood Meadows Oreg., LLC, nor any other recreation services provider, can control or be responsible for the inherent risks associated with recreational activities, or the choices guests make while recreating which may cause them or others injury. Individuals will always be the sole judge of their limitations and must retain accountability for their own recreation choices.

Like many Oregonians, my family has recreated together in Oregon for generations. We have consistently experienced Oregon resorts, recreation facilities, and guide outfitters that focused on safe practices, outdoor education, and the well-being of their customers as part of the awesome outdoor recreation experiences they provide.

Maintaining trust and confidence with guests for safe operations and consistently great experiences are essential to the financial sustainability of recreation service providers. Oregon recreation service providers make safety their top priority because they know it is the backbone of their continued business viability.

OREGON'S OUTDOOR CULTURE

Outdoor recreation is woven into the fabric of Oregon's heritage and culture. The natural beauty of our State's diverse landscape has created a broad range of outdoor recreation opportunities that have become a large part of Oregon's identity worldwide. Outdoor recreation is also one of the largest industries in the state, employing and educating many while contributing significantly to state and local tax revenues. Oregonians are rugged, resourceful, and accountable folks who rightly expect access to outdoor recreation opportunities throughout our state. Visitors to the state expect the same access to the exciting recreation opportunities that Travel Oregon spends millions on each year to promote.

WITHOUT LEGALLY ENFORCEABLY LIABILITY WAIVERS, OREGON RECREATION SERVICE PROVIDERS ARE OUT OF BUSINESS

Oregonians understand the inherent risks associated with outdoor recreation and make personal choices accordingly. Without the liability waiver reform in SB 1593/HB 4071, multi-million dollar personal injury lawsuits against recreation providers will continue to result in higher general liability insurance premiums and reduced insurance coverage options. In fact, our insurance broker notified us on May 29, 2025 that our carrier had decided to exit the Oregon market due to the size and frequency of claims resulting from the lack of enforceable liability waivers.

General liability insurance for future ski seasons is now, at best, speculative. Our Special Use Permit issued by the U.S. Forest Service, as well as our loan documents, require us to provide evidence of adequate general liability insurance. Without such evidence we are in violation of these contractual obligations and are consequently at risk of not operating.

UNDERSTANDING THE DYNAMICS OF RECREATION INSURANCE

It is important for our state policymakers to understand that uncontrollable risks drive the cost and availability of general liability insurance and, in turn, access to this type of coverage, not the inherent risks of recreation itself.

As with most lines of general liability insurance, pricing and availability is determined by the legal and financial risk that insurance companies and their investors are willing to accept. Because the risk of liability litigation and huge settlements continues to increase in the current post-Bagley legal environment in Oregon, prospective carriers model their risk exposure using unusually high actual claim experience data collected in Oregon since 2015. This modeling results in dramatic annual increases in general liability premiums that will continue to escalate without an enforceable waiver for ordinary negligence.

General liability premium increases, combined with dramatic increases in property and healthcare insurance have significantly outpaced inflation since 2015. While individual operators cannot control these cost pressures, the Oregon Legislature can address the primary driver of escalating general liability costs by restoring a balanced liability framework that recognizes waivers for ordinary negligence, while preserving operator accountability for gross negligence and reckless conduct.

**FOLLOW RECOMMENDATIONS PROVIDED BY THE GOVERNOR'S
TASK FORCE ON OUTDOOR RECREATION**

I have actively advocated for outdoor recreation liability waiver reform since the 2014 Bagley decision. I continue to serve as a member of the Governor's Task Force on Outdoor Recreation. Restoring recreational immunity and liability reform was identified by this Task Force as the single greatest threat to sustainable outdoor recreation in Oregon. Please see the *2020 Framework for Action* in the Governor's Task Force on the Outdoors report (Page 19): <https://www.oregon.gov/orec/Documents/OREC-Gov-Task-Force-Outdoors-2020.pdf>

I respectfully urge you to hear the collective voice of this experienced Task Force, composed of a uniquely broad range of Oregon outdoor recreation leaders from industry, nonprofits, and state and municipal agencies.

**PLEASE VOTE “DO PASS” ON SB 1593/HB 4071 TO
RE-ESTABLISH ENFORCEABLE LIABILITY WAIVERS
AND PROTECT OREGON RECREATION**

Thank you for this opportunity to provide written testimony in support of this important legislation.

Sincerely,
Matthew B. Drake
President, MBD Development, LLC
Manager, Mt. Hood Meadows Oreg., LLC