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

1639 NW Northrup Street
Portland, Oregon 97209
(503) 972-8442
Fax (503) 295-6467
Email: mbd@drakemc.com

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Senate Judiciary Committee
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

RE: Testimony in Opposition to SB 1517-7

Chair Prozanski, Vice-Chair Kim Thatcher, Committee Members:

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 1,250 Meadows Team Members, I strongly oppose SB 1517-7. This ill-conceived bill, including seven amendments, does not address the liability crisis facing ski areas or the broader recreation industry in Oregon and will only make access to affordable general liability insurance more costly and speculative.

Legislation addressing liability waivers is meaningful only if it **actually solves that insurance crisis**. SB 1517-7, like the prior versions of this bill, does not solve, and actually worsens, the insurance crisis. As a result of the specific carveouts in the bill, SB 1517-7 will, in practice, be worse for recreational providers and their insurers than current law. If passed, this amendment will confirm the insurers' perception of Oregon as anti-provider and pro-litigation. **This bill will not encourage special risk insurance providers to return to Oregon. It will encourage them to leave Oregon**

and stay away. No other state in the country limits liability releases in this way.

To solve the insurance crisis, new legislation must:

1. **Enable summary judgment for providers.** Insurers need the ability to obtain dismissal of cases on summary judgment. Without summary judgement, accidents that result from the inherent risk of a recreation activity become lengthy and expensive legal battles regardless of merit. Guaranteed trials for inherent risk claims make Oregon uninsurable.

2. **Broadly allow the release of claims for ordinary negligence.** The key purpose of releases is to allow guests to waive ordinary negligence in nearly all circumstances in which injuries can occur. This is the core of every western states' laws enforcing releases.

3. **Be clear, unambiguous and predictable**. Insurers calculate risk. A new statute that is unlike the law anywhere else in the country is unpredictable and subject to judicial interpretation. Therefore, it does not allow special risk insurance companies to predict risk. Such a law only encourages insurers to leave Oregon.

SB 1517-7 does not accomplish any of these goals, as detailed below.

Sections	Problematic Language	Why it is a Problem
Section 1(2) Section 1(3)(b)	Waivers are limited to injuries sustained "while in the act of performing" the recreational activity; and excludes injuries incurred in "parking areas, lodges, rental facilities or other premises not directly part of the" recreational activity.	Whether an injury is incurred in "performing" a sport is a fact question that cannot be resolved on summary judgment; This language makes releases so narrow that they would exclude a significant number of injuries There is no reason to arbitrarily limit releases in this way and no other state limits releases in this way.

Section 1(3)(c)	Prohibits a waiver from applying to any injury arising out of "equipment, safety gear or apparatus."	These terms are undefined – preventing summary judgment. Makes releases in some industries (i.e. gyms) almost worthless. Excludes a large number of injuries at ski resorts – including those involving lifts. Contradicts Oregon's Ski Statute No other state limits releases in these circumstances
Section 1(3)(d)	Prohibits a waiver from applying to any injury arising from violation of an "industry safety standard."	This term is undefined. This will prevent summary judgment in **EVERY** case and ultimately make waivers completely useless as plaintiffs will always claim such a violation and that will be a jury question. No other state has a similar law.
Section 1(3)(e)	Prohibits a waiver of negligent hiring claims.	This will prevent summary judgment in nearly every case as plaintiffs can simply include this claim, regardless of whether it has any factual support, simply to get around an otherwise lawful waiver and avoid summary judgment. No other state has a similar law.
Section 1 (3) (f)	Prohibits a waiver if there was a failure to warn of known hazards	This is a barn door so wide that almost any claim could fall under this exclusion; completely eliminates any benefit for this legislation. Prevents summary judgment in **EVERY** case.
Section 1(3)(g)	Prohibits a waiver of injuries arising from the use of any vehicle.	This is a significant exception that will exclude many claims and potential claims. As to snow cats and snowmobiles, it contradicts the Ski Statute as these vehicles are reasonably obvious, expected and necessary. No other state limits releases in this way.

WHY SB 1517-7 AMPLIFIES OREGON'S LIABILITY CRISIS:

SB 1517-7 directly contradicts Oregon's long-standing Ski Statute, which establishes that skiers assume the inherent risks of the sport. This bill would exacerbate Oregon's ski industry liability crisis, making it even more difficult to obtain insurance and causing ski areas to go out of business. As Bill Curtis, Senior Vice President of Safehold Special Risk recently so accurately testified to the Oregon Legislative Committee:

"It is important to respect the very human fact that no amount of general liability coverage, litigation, dramatic plaintiff testimony, and/or financial award will ever overcome the inherent risk generated from the pursuit of recreation activities. It remains the right and responsibility of an individual to evaluate and decide recreation choices that best suit their interests and abilities and be accountable for those choices."

After ten years of factual testimony provided by Oregon recreation service providers, this bill appears to be yet another example of the clear bias perpetrated by certain members of the Oregon Legislature that only benefits members of the Oregon Trial Lawyers Association to the significant detriment of Oregon recreation service providers, and indeed all Oregonians.

NEGATIVE IMPACTS ON SAFETY AND RECREATION ACCESS:

Affordable liability insurance is a prerequisite for safe, professionally managed recreation. When insurers exit a market, insist on much higher deductibles, or charge sharply higher premiums, providers face unsustainable costs that must inevitably be passed to consumers, or result in reduced services -- or likely both. For example, Timberline Lodge reported that its liability insurance premium increased by 166% in one year, its deductible is now ten times higher, and overall insurance costs have risen 586% since 2020.

Without accessible insurance, which depends on enforceable waivers for ordinary negligence, operators may be forced to scale back capital improvements and recreation offerings, making recreation activities less affordable for families, youth participants, and rural communities that depend on tourism.

Enforceable liability waivers provide consistent access to important safety guidelines and education for recreation participants. They remind participants of the inherent risks of recreation and to act cautiously and responsibly for the safety of themselves and others.

IMPACTS TO OREGON RECREATION:

This issue extends far beyond skiing. Gyms, outfitters, rafting guides, fitness instructors, and volunteer-based recreation nonprofits all struggle to obtain liability insurance due to Oregon's uniquely challenging liability environment. Their inability to secure affordable general liability coverage threatens jobs, local economies, and the public's ability to access all types of recreation.

Recreation contributes billions to Oregon's economy and supports thousands of family-wage jobs. Passage of SB 1517-7 will leave Oregon's important recreation industry unprotected and highly vulnerable to competitive instability.

SB 1517-7 is a legislative trap that does nothing to practically and reasonably support safety. It will result in increased pricing and reduced access to public lands for all users. The only people who will benefit from this bill are the lawyers who pursue the injured for the potential compensation of 30% - 40% of claim settlement awards.

In contrast, earlier bipartisan reform efforts (e.g., SB 1196 from 2025 and the current Senate SB 1593/HB 4071) would have restored liability waiver enforceability (the law we had in Oregon for decades) while preserving accountability for gross negligence, aligning Oregon with other western states and stabilizing the insurance market. Since the 2014 Bagley decision, Oregon has become a "liability island" in the west and a "no-go" zone for special risk insurance companies.

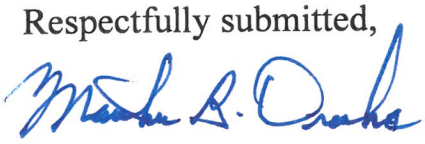
CONCLUSION AND REQUEST:

I urge this Committee **not to advance SB 1517-7**. It does not address the liability crisis facing ski areas or other Oregon recreation businesses and risks making the situation worse by increasing litigation exposure and further decreasing insurance availability and affordability. SB 1517-7 is an ill-conceived threat to the sustainable future of the Oregon's recreation industry and the state's well-established culture and reputation for unique recreation opportunities.

Instead, I ask that you support **comprehensive liability waiver reform legislation** such as Senate Bill 1593 and House Bill 4071, which offer a simple, balanced, sustainable approach that clearly recognize the inherent risks of recreation and keep Oregon's uniquely diverse recreation offerings viable and accessible.

Thank you for your consideration.

Respectfully submitted,



Matthew B. Drake
Manager, Mt. Hood Meadows Oreg., LLC
Matthew.Drake@skihood.com