



JACKSON COUNTY

Roads

Roads and Parks Administration

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Director

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Senate Committee on Judiciary
Chair, Senator Floyd Prozanski
Vice-Chair, Senator Kim Thatcher

RE: SB 1517 Testimony

Chair Prozanski, Vice-Chair Thatcher, Members of the Committee:

I am writing to express Jackson County's opposition to Senate Bill 1517, as proposed with -7 amendments.

While we appreciate the Committee's efforts to address the critical issue of liability waiver enforcement, the list of exemptions in the -7 amendments will only lead to confusion. For example, the question of what is an "industry safety standard" is going to lead to nothing but litigation with dueling experts arguing about a nebulous "industry standard?" Furthermore, the question of whether an injury was caused by a ski operator negligently hiring a trail groomer, or because the trail groomer who appears qualified negligently performed their job will lead to similar results?

It is my understanding this legislative effort began as an opportunity to balance individual rights with the need for outdoor recreation providers to have some reassurance in the enforceability of waivers as a tool to mitigate reasonable risk, to allow for the continued provision of their services, which are extremely beneficial to Oregon's economy.

However, the list of exceptions in the -7 amendment is so broad and so vague, notwithstanding the exceptions set forth in paragraph 3(a), that if the County was going to cease recreational activities because of the liability exposure without the expectation of reasonable enforcement of liability waivers, the passage of the bill with these amendments would not change our opinion. We believe the language in paragraph 3(a) balances the need to protect individuals from poor operators, while ensuring adequate protection for good-faith operators.

For this reason, Jackson County opposes SB 1517 as proposed with -7 amendments.

Sincerely,

Steve Lambert
Director