

A-Engrossed
Senate Bill 327

Ordered by the Senate April 7
Including Senate Amendments dated April 7

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Business and Transportation)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides recreational immunity to holder of any legal or equitable title of land. Extends recreational immunity to employees and agents of owner of land when acting within scope of duties and those with private property interests in land. *[Eliminates duty of care to maintain land for entry or use by others for certain purposes.]*

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to recreational immunity from claims of persons entering land for certain purposes;
3 amending ORS 105.672; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 105.672 is amended to read:

6 105.672. As used in ORS 105.672 to 105.696:

7 (1) "Charge":

8 (a) Means the admission price or fee requested or expected by an owner in return for granting
9 permission for a person to enter or go upon the owner's land.

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

12 (c) Does not include the fee for a winter recreation parking permit or any other parking fee of
13 \$15 or less per day.

14 (2) "Harvest" has that meaning given in ORS 164.813.

15 (3) "Land" includes all real property, whether publicly or privately owned.

16 (4) "Owner" means:

17 (a) The possessor of any interest in any land, *[such as]* **including but not limited to** the holder
18 of *[a fee]* **any legal or equitable** title, a tenant, a lessee, an occupant, the holder of an easement,
19 the holder of a right of way or a person in possession of the land;

20 (b) **An officer, employee, volunteer or agent of a person described in paragraph (a) of this**
21 **subsection, while acting within the scope of assigned duties; and**

22 (c) **A director, partner, general partner, shareholder, limited liability company member,**
23 **limited liability partner or limited partner of a person described in paragraph (a) of this**
24 **subsection.**

25 (5) "Recreational purposes" includes, but is not limited to, outdoor activities such as hunting,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities,
2 waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites
3 or volunteering for any public purpose project.

4 (6) "Special forest products" has that meaning given in ORS 164.813.

5 (7) "Woodcutting" means the cutting or removal of wood from land by an individual who has
6 obtained permission from the owner of the land to cut or remove wood.

7 **SECTION 2. This 2017 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
9 **on its passage.**

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