

Senate Bill 327

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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 **as introduced**.

Provides recreational immunity to owner 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 105.682; 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,
26 fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities,
27 waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites
28 or volunteering for any public purpose project.

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 (6) “Special forest products” has that meaning given in ORS 164.813.

2 (7) “Woodcutting” means the cutting or removal of wood from land by an individual who has
 3 obtained permission from the owner of the land to cut or remove wood.

4 **SECTION 2.** ORS 105.682 is amended to read:

5 105.682. (1) Except as provided by subsection [(2)] (3) of this section, and subject to the pro-
 6 visions of ORS 105.688, an owner of land is not liable in contract or tort for any personal injury,
 7 death or property damage that arises out of the use of the land for recreational purposes, gardening,
 8 woodcutting or the harvest of special forest products when the owner of land either directly or in-
 9 directly permits any person to use the land for recreational purposes, gardening, woodcutting or the
 10 harvest of special forest products. The limitation on liability provided by this section applies if the
 11 principal purpose for entry upon the land is for recreational purposes, gardening, woodcutting or the
 12 harvest of special forest products, and is not affected if the injury, death or damage occurs while
 13 the person entering land is engaging in activities other than the use of the land for recreational
 14 purposes, gardening, woodcutting or the harvest of special forest products.

15 **(2)(a) An owner of land does not owe a duty of care to maintain the land to be safe for**
 16 **entry or use by others, or to give any warning of dangerous condition, use, structure or ac-**
 17 **tivity on the land, to persons the owner directly or indirectly invites or permits to enter**
 18 **upon the land to use the land for:**

- 19 **(A) Recreational purposes without charge;**
- 20 **(B) Gardening without charging more than \$25 per year;**
- 21 **(C) Woodcutting without charging more than \$75 per cord; or**
- 22 **(D) Harvesting special forest products without charge.**

23 **(b) An owner of land that directly or indirectly invites or permits a person to enter upon**
 24 **the land for any purpose described in this subsection does not thereby:**

- 25 **(A) Extend any assurance that the land is safe for any purpose;**
- 26 **(B) Confer upon the person the legal status of an invitee or licensee to whom a duty of**
 27 **care is owed; or**
- 28 **(C) Assume responsibility for or incur liability for any injury, death or loss to any person**
 29 **or property caused by an act or omission of the person.**

30 [(2)] (3) This section does not limit the liability of an owner of land for intentional injury or
 31 damage to a person coming onto land for recreational purposes, gardening, woodcutting or the har-
 32 vest of special forest products.

33 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public
 34 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
 35 on its passage.