

Permanently Restore Recreational Immunity

Background

Oregon has historically encouraged landowners, public and private, to open their property to recreational purposes by granting them tort immunity when they allow free access to their land for public enjoyment. This immunity allowed cities and other property owners to develop innovative opportunities for recreation such as bike parks, trails and other features the public expects. However, an adverse court decision, stemming from an injury on a trail, allowed a hiker to bring suit claiming they were not on the trail primarily for a recreational purpose. The Legislature provided a temporary adjustment to state statute during the 2024 short session by adding, "walking, running and cycling" to the definition of recreational activities to protect recreational access to public and provided land.

Concern

If the Legislature doesn't revisit this issue, the relief cities and other landowners received in 2024 expires in July of 2025. Legislation has been introduced to eliminate the sunset contained in the 2024 legislation. Additionally, park managers have identified the potential for liability related to powered devices such as electronic bicycles and powered scooters and skateboards that is not currently contemplated in Oregon law.

Solution

Pass legislation to eliminate the existing sunset and further adjust state statute to ensure cities and other recreation providers receive the same immunity protection for powered recreation as they do for all other activities.

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