

# D R A F T

## SUMMARY

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.

## A BILL FOR AN ACT

1  
2 Relating to recreational immunity from claims of persons entering land for  
3 certain purposes; amending ORS 105.672 and 105.682.

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  
9 in return for granting permission for a person to enter or go upon the  
10 owner's land.

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

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

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

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

17 (4) "Owner" means:

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

1 way or a person in possession of the land;

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

5 **(c) A director, partner, general partner, shareholder, limited liabil-**  
6 **ity company member, limited liability partner or limited partner of a**  
7 **person described in paragraph (a) of this subsection.**

8 (5) "Recreational purposes" includes, but is not limited to, outdoor activ-  
9 ities such as hunting, fishing, swimming, boating, camping, picnicking, hik-  
10 ing, nature study, outdoor educational activities, waterskiing, winter sports,  
11 viewing or enjoying historical, archaeological, scenic or scientific sites or  
12 volunteering for any public purpose project.

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

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

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

18 105.682. (1) Except as provided by subsection [(2)] **(3)** of this section, and  
19 subject to the provisions of ORS 105.688, an owner of land is not liable in  
20 contract or tort for any personal injury, death or property damage that arises  
21 out of the use of the land for recreational purposes, gardening, woodcutting  
22 or the harvest of special forest products when the owner of land either di-  
23 rectly or indirectly permits any person to use the land for recreational pur-  
24 poses, gardening, woodcutting or the harvest of special forest products. The  
25 limitation on liability provided by this section applies if the principal pur-  
26 pose for entry upon the land is for recreational purposes, gardening,  
27 woodcutting or the harvest of special forest products, and is not affected if  
28 the injury, death or damage occurs while the person entering land is engag-  
29 ing in activities other than the use of the land for recreational purposes,  
30 gardening, woodcutting or the harvest of special forest products.

31 **(2)(a) An owner of land does not owe a duty of care to maintain the**

1 **land to be safe for entry or use by others, or to give any warning of**  
2 **dangerous condition, use, structure or activity on the land, to persons**  
3 **the owner directly or indirectly invites or permits to enter upon the**  
4 **land for the purpose of:**

5 **(A) Engaging in any recreational activity without charge;**

6 **(B) Gardening without charging more than \$25 per year;**

7 **(C) Woodcutting without charging more than \$75 per cord; or**

8 **(D) Harvesting special forest products without charge.**

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

12 **(A) Extend any assurance that the land is safe for any purpose;**

13 **(B) Confer upon the person the legal status of an invitee or licensee**  
14 **to whom a duty of care is owed; or**

15 **(C) Assume responsibility for or incur liability for any injury, death**  
16 **or loss to any person or property caused by an act or omission of the**  
17 **person.**

18 **[(2)] (3) This section does not limit the liability of an owner of land for**  
19 **intentional injury or damage to a person coming onto land for recreational**  
20 **purposes, gardening, woodcutting or the harvest of special forest products.**

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