

Senate Bill 775

Sponsored by Senator MORRISETTE

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**.

Prohibits person from bringing action for death, injury or damages resulting from inherent risks of whitewater rafting. Allows person to bring action against whitewater rafting provider under specified circumstances.

A BILL FOR AN ACT

1
2 Relating to causes of action involving whitewater rafting.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Inherent risks of whitewater rafting" includes the dangers or conditions that are an**
6 **integral part of the sport, such as unpredictable river currents, collisions with other rafts**
7 **or with objects in the water, immersion in cold water, falling while on a raft or on shore,**
8 **drowning and exposure to inclement and hostile weather conditions.**

9 (b) **"Whitewater rafting provider" means a person that promotes, offers or conducts**
10 **whitewater rafting activities or opportunities.**

11 (2) **In accordance with ORS 31.600 and notwithstanding ORS 31.620 (2), a person who en-**
12 **gages in the sport of whitewater rafting accepts and assumes the inherent risks of**
13 **whitewater rafting.**

14 (3) **A person may not maintain an action against a whitewater rafting provider for death,**
15 **injury or damage resulting from the inherent risks of whitewater rafting.**

16 (4) **Nothing in this section prevents a person from bringing an action against a**
17 **whitewater rafting provider for death, injury or damage resulting from whitewater rafting**
18 **if:**

19 (a) **An action may be brought under ORS 30.900 to 30.920;**

20 (b) **The negligence of the whitewater rafting provider resulted in death, injury or damage**
21 **not related to an inherent risk of whitewater rafting; or**

22 (c) **The whitewater rafting provider acted with willful or wanton disregard for the per-**
23 **son's safety.**

24 **SECTION 2. Section 1 of this 2005 Act applies to causes of action arising on or after the**
25 **effective date of this 2005 Act.**

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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.