

Here's a clear summary of **Oregon Senate Bill 179** from the 2025 legislative session:

What SB 179 Does

- **Makes permanent** the temporary changes to Oregon's landowner (recreational) immunity laws that were originally enacted in 2024 (Chapter 64, Oregon Laws 2024). These changes would otherwise have expired.
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 - **Clarifies and expands immunity** for landowners—especially local governments—and recreational users involved in non-motorized activities like walking, biking, riding equines (including non-horse equines), and using trails or structures on public easements or unimproved rights-of-way.
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Key Dates

- **Signed by Governor:** May 28, 2025
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 - **Passed Legislature:** Senate on March 13 and House on May 19, 2025, unanimously
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 - **Effective Date:** January 1, 2026
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What It Means in Practice

- Oregon cities and counties can no longer be sued for **ordinary negligence** (but still for gross negligence or intentional acts) when people are using trails, bridges, or other recreational structures **without paying a fee**.
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- Clarifies immunity for **non-horse equines**, expanding beyond horses to include animals like llamas and mules.

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- Applies retroactively to suits filed on or after January 1, 2026.

Why It Matters

- A 2023 court decision—*Fields v. City of Newport*—interpreted “improved trails” narrowly, prompting cities to close access to some public trails and beaches due to liability concerns. wilsonvillespokesman.com+2surfrider.org+2sdao.com+2
- SB 179 restores protection for landowners, ensuring continued public access to trails, beaches, parks, and related infrastructure. legiscan.com+10surfrider.org+10billtrack50.com+10

Summary Table

Term	Before SB 179	After SB 179 (Permanent)
Landowner immunity	Extended only temporarily (2024 law)	Now permanent
Coverage	Walking, biking, horseback on trails	Adds non-horse equines and nonmotorized usage
Liability limit	Ordinary negligence still covered	No liability unless gross negligence/intent
Effective date	Law would have sunset in 2025	Now permanent from Jan 1, 2026

Bottom Line

SB 179 cements Oregon’s recreational immunity protections, securing public access to trails, natural areas, and beaches by ensuring landowners and governments aren’t sued over ordinary accidents—so long as use remains free and non-motorized, and there’s no gross negligence.

Enrolled Senate Bill 179

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to landowner immunity; creating new provisions; amending ORS 105.668, 105.672 and 105.688; and repealing section 11, chapter 64, Oregon Laws 2024.

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

SECTION 1. ORS 105.668, as amended by sections 5 and 8, chapter 64, Oregon Laws 2024, is amended to read:

105.668. (1) As used in this section:

(a) "Local government" [*means a city or county*] **has the meaning given that term in ORS 174.116.**

(b) "Structures" means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on [*a horse*] **an equine** or on a bicycle or other nonmotorized vehicle or conveyance.

(c) "Unimproved right of way" means a platted or dedicated public right of way over which a street, road or highway has not been constructed to the standards and specifications of the local government with jurisdiction over the public right of way and for which the local government has not expressly accepted responsibility for maintenance.

(2) In a city with a population of 500,000 or greater, a personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on [*a horse*] **an equine** or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:

(a) The city;

(b) The officers, employees or agents of the city to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;

(c) The owner of land abutting the public easement or unimproved right of way in the city; or

(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the city.

(3) A local government to which subsection (2) of this section does not apply may opt to limit liability in the manner established by subsection (2) of this section by ordinance, resolution, rule, order or other regulation for:

(a) The local government;

(b) The officers, employees or agents of the local government to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;

(c) The owner of land abutting the public easement or unimproved right of way in the local government; or

(d) A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the local government.

(4) This section does not grant immunity from liability:

(a) Except as provided in subsection (2)(b) or (3)(b) of this section, to a person that receives compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or property damage.

(b) For gross negligence or reckless, wanton or intentional misconduct.

(c) For an activity for which a person is strictly liable without regard to fault.

SECTION 2. ORS 105.672, as amended by sections 6 and 9, chapter 64, Oregon Laws 2024, is amended to read:

105.672. As used in ORS 105.672 to 105.696:

(1) "Charge":

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

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

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

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

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

(4) "Owner" means:

(a) The possessor of any interest in any land, including but not limited to the holder of any legal or equitable title, a tenant, a lessee, an occupant, the holder of an easement, the holder of a right of way or a person in possession of the land;

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

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

(5) "Recreational purposes" includes, but is not limited to, outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, **walking, running, bicycling**, nature study, outdoor educational activities, waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project.

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

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

SECTION 3. ORS 105.688, as amended by sections 7 and 10, chapter 64, Oregon Laws 2024, is amended to read:

105.688. (1) Except as specifically provided in ORS 105.672 to 105.696, the immunities provided by ORS 105.682 apply to:

(a) All land, including but not limited to land adjacent or contiguous to any bodies of water, watercourses or the ocean shore as defined by ORS 390.605;

(b) All roads, bodies of water, watercourses, rights of way, buildings, fixtures and structures on the land described in paragraph (a) of this subsection;

(c) All paths, trails, roads, watercourses and other rights of way, while being used by a person to reach land for recreational purposes, gardening, woodcutting or the harvest of special forest products, that are on land adjacent to the land that the person intends to use for recreational purposes, gardening, woodcutting or the harvest of special forest products, provided that:

(A) The right of way has not been improved, designed or maintained for the specific purpose of providing access for recreational purposes, gardening, woodcutting or the harvest of special forest products; *[and]* **or**

(B)(i) The right of way has been improved, designed or maintained to provide access for recreational purposes, gardening, woodcutting or the harvest of special forest products;

(ii) The right of way is not a highway under the jurisdiction of a road authority under ORS 810.010; and

(iii) The improvement, design or maintenance was completed in a manner that does not constitute:

(I) Gross negligence or reckless, wanton or intentional misconduct; or

(II) An activity for which the actor is strictly liable without regard to fault; and

(d) All machinery or equipment on the land described in paragraph (a) of this subsection.

(2) The immunities provided by ORS 105.682 apply to land if the owner transfers an easement to a public body to use the land.

(3) Except as provided in subsections (4) to (7) of this section, the immunities provided by ORS 105.682 do not apply if the owner makes any charge for permission to use the land for recreational purposes, gardening, woodcutting or the harvest of special forest products.

(4) If the owner charges for permission to use the owner's land for one or more specific recreational purposes and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to any use of the land other than the activities for which the charge is imposed. If the owner charges for permission to use a specified part of the owner's land for recreational purposes and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(5) The immunities provided by ORS 105.682 for gardening do not apply if the owner charges more than \$25 per year for the use of the land for gardening. If the owner charges more than \$25 per year for the use of the land for gardening, the immunities provided by ORS 105.682 apply to any use of the land other than gardening. If the owner charges more than \$25 per year for permission to use a specific part of the owner's land for gardening and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(6) The immunities provided by ORS 105.682 for woodcutting do not apply if the owner charges more than \$75 per cord for permission to use the land for woodcutting. If the owner charges more than \$75 per cord for the use of the land for woodcutting, the immunities provided by ORS 105.682 apply to any use of the land other than woodcutting. If the owner charges more than \$75 per cord for permission to use a specific part of the owner's land for woodcutting and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(7) The immunities provided by ORS 105.682 for the harvest of special forest products do not apply if the owner makes any charge for permission to use the land for the harvest of special forest products. If the owner charges for permission to use the owner's land for the harvest of special forest products, the immunities provided by ORS 105.682 apply to any use of the land other than the harvest of special forest products. If the owner charges for permission to use a specific part of the owner's land for harvesting special forest products and the owner provides notice in the manner provided by subsection (8) of this section, the immunities provided by ORS 105.682 apply to the remainder of the owner's land.

(8) Notices under subsections (4) to (7) of this section may be given by posting, as part of a receipt, or by such other means as may be reasonably calculated to apprise a person of:

(a) The limited uses of the land for which the charge is made, and the immunities provided under ORS 105.682 for other uses of the land; or

(b) The portion of the land the use of which is subject to the charge, and the immunities provided under ORS 105.682 for the remainder of the land.

SECTION 4. Section 11, chapter 64, Oregon Laws 2024, is repealed.

SECTION 5. The amendments to ORS 105.668, 105.672 and 105.688 by sections 1 to 3 of this 2025 Act apply to actions for personal injury, death or property damage filed on or after the effective date of this 2025 Act.

Passed by Senate March 13, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 19, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State

Oregon Parks and Recreation Commission

June 18, 2025

Agenda Item: 3b

Information

Public Comment Allowed: Yes

Topic: Legislative Update

Presented by: Katie Gauthier, Government Relations Manager

Background:

The 2025 legislative session is rapidly approaching anticipated sine die by the end of June. It has been a busy session for OPRD and we remain hopeful that agency priority bills will move forward.

Below is a summary of the status of legislation we are tracking that has the potential to impact the agency.

The following legislation was introduced on behalf of the agency:

Enacted Legislation- Passed Both Chambers and signed by the Governor

HB 2232 transfers rulemaking authority for ATV sound levels from DEQ and certain off-road equipment from ODOT to OPRD. This bill was signed by the Governor on March 19 and included an emergency clause, so it is effective now.

HB 2922 **Employee Address Disclosure** allows OPRD park rangers and park managers to participate in an existing program within DMV that allows them to exchange their home address with their office address within the DMV system if they choose. This passed both chambers unanimously and was signed by the Governor on May 8. It is effective January 1, 2026.

HB 3190 reauthorizes the special assessment for historic properties program but limits it to commercial properties. Passed House unanimously and Senate (25-2). Signed by the Governor May 28. It is effective 91 days after sine die.

SB 179 makes recreational immunity changes approved during the 2024 session permanent. Without legislation those changes would sunset. This bill passed the Senate and House unanimously and was signed by the Governor on May 28. It is effective January 1, 2026.

Waiting for Floor votes

SB 838B **Procurement Exemption**, exempts OPRD from procurement, except when related to surplus property or information technology, and printing requirements of other state executive

branch agencies. OPRD would develop procurement processes and procedures similar to other exempt agencies like Oregon Lottery or Oregon Travel Information Council. This bill passed the Senate unanimously and was approved unanimously by the House committee after an amendment was approved. It is scheduled for a vote on the House floor 5/29. If approved, the bill will then need to go back to the Senate for concurrence with the House amendment.

In Ways and Means Committee

HB 2925A- **Ocean Shore Permitting** aligns the OPRD permitting process with Department of State Lands by extending our timelines and adding more flexibility in the process to allow staff to work with applicants. It will also create a new category of permit for smaller less complicated projects and allow the agency to set fees in rule. It passed the House Agriculture and Natural Resources Committee and is in Ways and Means Committee, because it included rules around fees.

SB 565A was amended to require OPRD study financial sustainability and revenue and report back to the legislature in February 2026. The bill also transfers landscaping and maintenance responsibilities for the capitol mall back to DAS. This bill passed out of the Senate Natural Resources Committee and is in Ways & Means Committee.

SB 929A would appropriate \$100,000 in general fund and require the agency to dedicate \$1 million in lottery funding for the Oregon Coast Trail. This bill passed out of the Senate Energy and Environment Committee and is in Ways and Means.

In Joint Transportation Committee

HB 3122 directs OPRD to enter into negotiations with the BLM over establishing a fee for use of the road at Lake Owyhee Reservoir. The bill calls for us to work with county and road district, along with the federal agencies to set the fee and plan for road maintenance and infrastructure needs. This bill had a hearing in the Joint Transportation committee. The sponsor agreed to amend the bill to create a workgroup with OPRD as a participant. The bill is unlikely to move forward in its current form but may be amended to include these changes.

HB 3209 increases RV registration fees and creates a fund for disposal of abandoned RVs. This bill had a hearing in the Joint Transportation Committee.

Prior Action by Commission: The Commission approved moving forward with 2025 Legislative Concepts in April 2024.

Action Requested: none

Attachments: none

Prepared by: Katie Gauthier