

A Win For Climbing Gyms In Oregon - SB 1517 Is Passed

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After more than a decade of operating in a shaky legal environment, Oregon's climbing gyms, along with ski areas, fitness studios, rafting outfitters, and a wide range of other businesses, finally have some support for their use of waivers. Oregon Senate Bill 1517, signed into law in early 2026, restores the enforceability of liability waivers in the state, bringing Oregon in line with virtually every other state in the western U.S. For the climbing wall industry specifically, this is more than a legal technicality.

The CWA supported this legislation throughout the process and actively amplified communications from Protect Oregon Recreation, the primary lobbying coalition behind the bill. Here is what this law does, how it came to be, and why its implications stretch beyond Oregon's borders.

Article At A Glance

- **Writer:** Garnet Moore, Executive Director of the Climbing Wall Association
- **Who Should Read:** Climbing gym owners, operators, and industry stakeholders across the U.S.
- **What Will You Learn:** What Oregon's SB 1517 does, why it matters for climbing wall operators in Oregon and beyond, and what role the CWA and Protect

Oregon Recreation played in making it happen.

- **Tie-Ins, Resources, or Further Reading:** Visit the CWA's [Policy & Law](#) page for resources on liability and risk management for your gym.

How Oregon Got Here

The story of SB 1517 begins with the 2014 Oregon Supreme Court ruling *Bagley v. Mt. Bachelor, Inc.* That decision upended the state's recreational liability landscape. The case involved an 18-year-old snowboarder who was paralyzed after a terrain-park jump at Mt. Bachelor. Even though he had signed a liability waiver before riding, the court found the waiver "unconscionable" and effectively unenforceable. The ruling didn't determine whether the resort was actually negligent; it simply made clear that Oregon businesses could no longer rely on waivers to filter out meritless claims of ordinary negligence.

The downstream consequences were severe and immediate, at one point, all but one ski area insurer had exited the state entirely and navigating insurance for climbing gyms was especially challenging. Climbing gyms, fitness studios, and outdoor recreation businesses saw premiums spike even when they had operated for years without a single legal claim. Legislative attempts to fix the problem in 2023 and again in 2025 both failed to cross the finish line, despite bipartisan support.

Protect Oregon Recreation, a coalition that grew to include more than 125 organizations across the recreation, fitness, outdoor, and environmental sectors, kept the pressure on.

The CWA joined in that effort early on sharing Protect Oregon Recreation's communications, connecting individuals who could provide public testimony, helping build awareness among our members, and making clear to Oregon lawmakers that the climbing wall industry was directly affected by this broken legal environment.

What SB 1517 Actually Does

State Bill 1517 is straightforward in its intent and carefully compromises business and user's needs. Under SB 1517, operators of "sports, fitness, and recreational activities" (a definition that explicitly includes climbing) may require participants 18 and older (or a parent or guardian for minors) to sign a written release waiving claims for ordinary negligence. The release must clearly disclose the risks and there are types of claims that can not be waived. But importantly waivers that meet the law's criteria are "not per se unconscionable or void as contrary to public policy". This language directly addresses the 2014 Oregon Supreme Court ruling.

Crucially, the law draws a clear line about what cannot be waived. Operators cannot use a liability waiver to release themselves from claims involving:

- Gross negligence, reckless conduct, willful misconduct, or intentional torts
- Negligence per se
- Improper maintenance or inspection of safety equipment provided by the operator
- Negligent safety-related training of employees
- Abuse or physical or sexual assault of an adult
- Negligent hiring, training, credentialing, supervision, or retention of staff whose conduct rises to the level of gross negligence or worse
- The operation or use of vehicles for transportation to or from the activity

These carve-outs are not loopholes, they are guardrails that preserve a participant's right to pursue legitimate claims while protecting businesses from the kind of meritless ordinary-negligence suits that make insuring climbing gyms difficult. The law also clarifies that whether a risk is "inherent" to a recreational activity is a question of law, not fact. This is an important procedural protection that helps operators seek appropriate judgments early in litigation.

Getting to this final version took a lot of attention to detail and process. While the bill was advancing through the legislature, negotiations hit an impasse, with one draft version of the bill including exceptions that could have rendered waivers effectively useless, paving the way for the same kind of lawsuits that had plagued the industry in recent years to continue. The final bill reflects genuine compromise.

As one legislator put it in an [Oregon Public Broadcasting article](#), "I think everybody's a little unhappy, and that's OK. That's what a negotiation is." The final version passed the Oregon House 55–2 and the Senate 29–0, which is a remarkable margin given how contentious the path was.

Why This Matters for Climbing Gyms

For Oregon climbing gyms, the practical impact starts with insurance. We had warned that without enforceable waivers, businesses faced rising insurance rates and an exodus of insurers from the state which would lead to a dynamic that could make it less affordable for Oregonians to participate in climbing. Restoring waivers won't fix insurance markets overnight, but it removes the underlying legal uncertainty that challenged insurers to operate and stay in the market.

Beyond the insurance question, SB 1517 restores something equally important: reasonable shared responsibility. Liability waivers, when written clearly and properly, are not about getting out of accountability, they are about ensuring that participants who knowingly engage in an

activity with inherent risk (and climbing has plenty of risk) cannot later claim ordinary negligence for the very risks they acknowledged and sought out. Every climbing gym in the country uses some form of participant agreement as required by the CWA's Industry Practices. In Oregon, those documents had offered less direct protection since 2014. Now they mean even more than just communicating to a participant that they have personal responsibility.

It's important to note that laws like this are not necessarily adversarial pitting users against operators. [An article published in the Bend Bulletin](#) highlighted the deeply personal stakes for one key voice in Oregon: the guest column author's own family had been involved in the Bagley case that started this whole chain of events, and they supported the bill as a step toward a fairer balance between accountability and business viability.

The Broader Significance for the Industry

Passage of SB 1517 also matters beyond Oregon's borders. It demonstrates that even a state that had legally foreclosed waiver enforceability can restore it through legislation. Prior to SB 1517's passage, liability waivers in neighboring states like California and Washington were generally enforceable, leaving Oregon as an outlier.

That isolation is now over. For CWA members and advocates working on similar issues in other states, Oregon's legislative journey offers both a roadmap and a proof of concept. The coalition-building approach that Protect Oregon Recreation used, bringing together ski areas, climbing gyms, fitness studios, environmental groups, outfitters, and accessibility advocates under one umbrella created the political weight necessary to get a divided legislature across the finish line after multiple failed attempts.

Several organizations and individuals had been fighting for liability waiver reform since the 2014 Oregon Supreme Court verdict invalidated the enforceability of waivers, resulting in a significant uptick in lawsuits and leaving outdoor recreation providers facing unsustainable insurance costs. The lesson: sustained, well-organized advocacy works. It just takes time.

What the CWA Will Continue to Do

The CWA's involvement in supporting SB 1517 reflects our broader commitment to advocating for policy environments that allow the climbing wall industry to operate, grow, and serve participants responsibly. Waiver enforceability is one dimension of that work. We'll continue to monitor legislative developments around recreational liability, workers' compensation, facility safety standards, and other issues that directly affect our members.

If you operate a climbing gym in Oregon, now is the time to work with legal counsel to review and update your participant agreements to ensure they align with the requirements and

protections of SB 1517. A well-drafted release under this new law is a meaningful business protection but only if it clearly discloses risks, is voluntary, and stays within the bounds the statute defines.

If you operate a climbing gym in a state where waiver enforceability is still uncertain or contested, Oregon's story is worth knowing. And if you're not already engaged with your state's recreation and fitness advocacy community, SB 1517 is a good reason to start.

About the Author



Garnet Moore is the Executive Director at the Climbing Wall Association. Garnet brings decades of experience in the climbing industry, serving gyms, manufacturers, and many climbing friends and partners.



GENERAL SAFETY NOTICE FOR OHM II, OHMEGA, AND FUSE

May 11, 2026

WHAT SEVEN YEARS OF CLIMBER DATA TELL US ABOUT WHERE INDOOR CLIMBING IS HEADED



April 8, 2026