GLACIER OUTDOOR CENTER

EXHIBIT 4
DATE 1·10·05
SB 4

Dear Mr. Chairman and Members of the House/ Senate Judiciary Committee:

My name is Darwon Stoneman and I am one of the owners of Glacier Raft Company and Glacier Outdoor Center in West Glacier. We provide whitewater raft trips, inflatable kayak trips, fishing, a fly shop, outdoor store, lodging, and winter ski and snowshoe rentals to Montana residents and visitor to the Glacier National Park Area. We have been in business since 1976 and have provided hundreds of thousands of recreational participants with memorable experiences. We have always worried about our release forms and their ability to deter frivolous law suits. Montana courts have been reluctant to recognize release language. Our Insurance Company has often warned us of the risk they were taking in writing our coverage. Fortunately they did write the coverage and we have had no major claims. In the present insurance climate we are facing huge increases in rates and are worried that recreational provider insurance may be denied in Montana in part due to the Montana Court System failure to recognize release language.

Montana has enacted statutes defining the inherent risk of specific recreational activities, and outlines the duties recreational providers owe to the participants. Presently skiing, snowmobiles, horseback riding, and off road vehicles have statutes. We feel that all of these could be covered under The Montana Recreation Safety Act. In addition this act could provide some protection for the providers of many other activities.

My wife is president of the Glacier United Select Soccer Association for Whitefish and Columbia Falls. They have concerns about their release forms for youth soccer, which both my children play for. Youth sports programs is another area at risk from possible law suits for injuries from inherent risks of the sport.

SB 4 would allow recreation providers and their insurance companies to benefit from the common law inherent risk doctrine. Inherent risks are defined as those risks intrinsic to a recreation activity that cannot be eliminated without destroying the unique character of the activity. This statute would not protect recreational providers if a court finds that their negligence caused the participant's injuries. It only protects them if the injuries or loss is determined to be a result of the inherent risk of the activity. **It is very important that SB 4 pass to protect those Montana Recreation Providers who form a major portion of our tourist industry and the sports organizations, which provide the youth of Montana with sporting opportunities.**

Thank you for considering these comments,

Darwon Stoneman and
Glacier Raft Company

SENATE JUDICIARY
Exhibit No. 4
Date 1-10-05
Bill No. SB4

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