



CBIZ Sattler

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Senators and Representatives of the Montana Legislature

Helena, MT.

Dear Legislators,

CBIZ Sattler Insurance Agency has business relationships with Outdoor Recreation Providers in not less than thirty-eight states. We provide access on behalf of our clients to preferred insurance companies and have been of service to the Outdoor Recreation Industry since 1979. We specialize in providing liability, automobile, property, and affiliated lines of insurance to professionals, including outfitters and guides, in the outfitting business. We have numerous clients in Montana.

We are in favor of and support legislation to allow for the utilization of pre-activity release contracts. **Contracts of this type, which are common in most states with professional outdoor recreation services, do not limit the ability of participants to bring liability claims.** But, they do help to reduce the number of frivolous lawsuits, including those involving inherent risk, while still holding the outfitters and guides responsible for gross negligence. Pre-activity contracts require the service provider to explain the contract to participants, as well as the extent of the activity at hand. This will further educate the participant of potential risk they may expect to encounter, to the benefit of the participant. We have clients outside of Montana that are allowed to utilize pre-activity release forms, in states in the 9th circuit. The Inherent Risk Bill passed in 2009 is a good step in the right direction; however, it does not create a clear pathway to use of pre-activity release or waiver documents.

Historically, we have encountered insurance underwriters who did not look favorably to writing outdoor recreation accounts in Montana. These underwriters did not feel the client base represented favorable risks as they were not allowed to utilize pre-activity documents. Other, responded with increased premiums as compared to similar risk in states with more favorable pre-activity document utilization. The underwriter's justification for the increased premiums was related to a non-favorable legal climate.

The Outdoor Recreation Industry in Montana represents a sizeable employment group, generates considerable payroll, and provides a livelihood to a quality segment of the Montana population. Restrictions to their ability to operate in a competitive and professional world because of increased insurance premiums, or in some cases inability to secure insurance, need to be addressed. I strongly recommend the necessary legislation be enacted to support the Outdoor Recreation Provider.

Respectfully

James R. Sattler, CPCU, CIC, AAI

President CBIZ Sattler

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