

Hal Ellms
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PINNACLE OUTDOOR GROUP

INC.

February 12, 2019

Dear Senators Sears, Nitka, White, Benning and Baruth:

Thank you for the opportunity to speak with you last Friday about S.18 and offer my perspective on the importance of the recreational industry to the well-being of the Vermont economy. As a member of VOREC and VOBA, as well as someone who works with and represents outdoor equipment companies, I feel it would be detrimental to Vermont's recreation economy to pass S.18 without including the proposed exemption you reviewed last Friday.

Many businesses that provide recreational opportunities to Vermonters and visitors rely on participant agreements, releases, and waivers. Across the U.S. the recreation industry uses these types of agreements, releases, and waivers. S.18 would deem those releases and waivers unconscionable making it more expensive, difficult or even impossible for these businesses to get liability insurance. This would leave Vermont with the weakest protection for recreation businesses, non-profit organizations, and events compared to neighboring states and other states across the country.

I urge you, if you move forward with S.18, to include the exemption to ensure that Vermont's recreational economy can continue to thrive and grow.

Please let me know if I can be of further assistance.

Hal Ellms
Pinnacle Outdoor Group, Inc.

S.18 Recommended Exclusion Language for Recreation

e) Limitation on applicability. This section shall not apply to contracts to

which one party is:

- (1) regulated by the Vermont Department of Financial Regulation;**
- (2) a financial institution as defined by 8 V.S.A. § 11101(32); or**
- (3) any individual, co-participant, facility, landowner or occupier, for or not for profit business, or other entity producing, providing, hosting, volunteering for or sponsoring any recreation activity, sport and/or competition where the purpose of the contract is for enrollment and/or participation.**