

By: Buckley, Metcalf

H.B. No. 5624

Substitute the following for H.B. No. 5624:

By: Leach

C.S.H.B. No. 5624

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a motorized off-road vehicle entity
for injuries arising from certain activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is
amended by adding Chapter 75E to read as follows:

CHAPTER 75E. LIMITED LIABILITY FOR MOTORIZED OFF-ROAD VEHICLE
ACTIVITIES

Sec. 75E.001. DEFINITIONS. In this chapter:

(1) "Motorized off-road vehicle" means any vehicle:

(A) with two to four wheels;

(B) powered by a combustion engine or an electric
motor;

(C) weighing 8,000 pounds or less; and

(D) designed to drive on unpaved roads and
surfaces.

(2) "Motorized off-road vehicle activity" means an
activity involving motorized off-road vehicles at a motorized
off-road vehicle area for recreational or educational purposes.

(3) "Motorized off-road vehicle activity participant"
means an individual, other than an employee of a motorized off-road
vehicle entity, who engages in a motorized off-road vehicle
activity. The term does not include a spectator of a motorized
off-road vehicle activity unless the spectator enters an

1 unauthorized area or intentionally places himself or herself in
2 immediate proximity to the activity.

3 (4) "Motorized off-road vehicle activity participant
4 injury" means an injury sustained by a motorized off-road vehicle
5 activity participant, including bodily injury, emotional distress,
6 death, property damage, or any other loss arising from the person's
7 participation in a motorized off-road vehicle activity.

8 (5) "Motorized off-road vehicle area" means a
9 commercial property designed to provide recreation or education
10 related to driving a motorized off-road vehicle on unpaved roads or
11 surfaces, including driving instruction, practices, competitions,
12 or performances or group driving activities such as tours, hunts,
13 or races.

14 (6) "Motorized off-road vehicle entity" means an
15 individual or an entity, including an employee or a volunteer:

16 (A) engaged in the business of owning, operating,
17 or leasing a motorized off-road vehicle area; or

18 (B) sponsoring, sanctioning, endorsing, or
19 officiating a motorized off-road vehicle activity.

20 Sec. 75E.002. LIMITED LIABILITY. (a) Except as provided by
21 Subsection (b), a motorized off-road vehicle entity is not liable
22 to any person for a motorized off-road vehicle activity participant
23 injury, if, at the time of the motorized off-road vehicle activity
24 participant injury, the warning prescribed by Section 75E.003 was
25 posted in accordance with that section.

26 (b) This section does not limit liability for an injury:

27 (1) proximately caused by:

1 (A) the motorized off-road vehicle entity's:

2 (i) gross negligence or intentional
3 misconduct with regard to the safety of the motorized off-road
4 vehicle area or the motorized off-road vehicle activity
5 participant; or

6 (ii) negligence with regard to a motorized
7 off-road vehicle or related equipment provided by the entity to the
8 participant;

9 (B) a potentially dangerous condition at the
10 motorized off-road vehicle area, other than a potentially dangerous
11 condition inherent to driving a vehicle in a motorized off-road
12 vehicle area, including unstable roads, surfaces, or subsurfaces or
13 natural or man-made obstacles, of which the motorized off-road
14 vehicle entity knew or reasonably should have known; or

15 (C) the motorized off-road vehicle entity's
16 failure to train or improper training of an employee of the
17 motorized off-road vehicle entity actively involved in the
18 motorized off-road vehicle area or a motorized off-road vehicle
19 activity; or

20 (2) intentionally caused by the motorized off-road
21 vehicle entity.

22 (c) The doctrine of attractive nuisance does not apply to a
23 claim that is subject to this section.

24 Sec. 75E.003. POSTED WARNING. For the purposes of
25 limitation of liability under Section 75E.002(a), a motorized
26 off-road vehicle entity must post and maintain a sign in a clearly
27 visible location at an entrance to a motorized off-road vehicle

1 area. The sign must contain the following language:

2 WARNING

3 TEXAS LAW (CHAPTER 75E, CIVIL PRACTICE AND REMEDIES CODE) LIMITS
4 THE LIABILITY OF A MOTORIZED OFF-ROAD VEHICLE ENTITY FOR INJURIES
5 OR DEATH OF A MOTORIZED OFF-ROAD VEHICLE ACTIVITY PARTICIPANT
6 RESULTING FROM A MOTORIZED OFF-ROAD VEHICLE ACTIVITY.

7 SECTION 2. The change in law made by this Act applies only
8 to a cause of action that accrues on or after the effective date of
9 this Act.

10 SECTION 3. This Act takes effect September 1, 2025.