

By: Buckley

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 and is in immediate proximity to the activity.

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

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

13           (6) "Motorized off-road vehicle entity" means a person  
14 engaged in the business of owning or operating a motorized off-road  
15 vehicle area.

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

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

23           (1) proximately caused by:

24                   (A) the motorized off-road vehicle entity's  
25 negligence with regard to the safety of the motorized off-road  
26 vehicle area, the motorized off-road vehicle activity participant,  
27 or a motorized off-road vehicle or related equipment provided by

the entity to the participant;

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

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

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

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

Sec. 75C.003. POSTED WARNING. For the purposes of limitation of liability under Section 75E.002(a), a motorized off-road vehicle entity must post and maintain a sign in a clearly visible location at an entrance to a motorized off-road vehicle area. The sign must contain the following language:

WARNING

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

SECTION 2. The change in law made by this Act applies only

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1 to a cause of action that accrues on or after the effective date of  
2 this Act.

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