

**House Bill 5624**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

SENATE VERSION (CS)

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

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CONFERENCE

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

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

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

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

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

(1) proximately caused by:

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

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

(ii) negligence with regard to 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 in a motorized off-road vehicle area, 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

SENATE VERSION (CS)

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

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

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

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

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

(1) proximately caused by:

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

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

(ii) negligence with regard to 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 in a motorized off-road vehicle area, 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

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

Sec. 75E.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 to a cause of action that accrues on or after the effective date of this Act.

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

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entity.  
(c) The doctrine of attractive nuisance does not apply to a claim made by a person for an injury that occurred in a motorized off-road vehicle area.

Sec. 75E.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:  
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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. Same as House version.

SECTION 3. Same as House version.

CONFERENCE