

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

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.

(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.

Added by Acts 2025, 89th Leg., R.S., Ch. 1123 (H.B. 5624), Sec. 1, eff. September 1, 2025.

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 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.

Added by Acts 2025, 89th Leg., R.S., Ch. 1123 (H.B. 5624), Sec. 1, eff. September 1, 2025.

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.

Added by Acts 2025, 89th Leg., R.S., Ch. 1123 (H.B. 5624), Sec. 1, eff. September 1, 2025.