

HOUSE BILL NO. 2852

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHULTE.

6435H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to liability for inherent risks of motocross activities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be
2 known as section 537.326, to read as follows:

**537.326. 1. As used in this section, unless the context provides otherwise, the
2 following terms mean:**

3 **(1) "Facility operator", any individual, group, club, partnership, corporation, or
4 business entity, whether or not operating for profit or not-for-profit, or any employee or
5 agent thereof, which sponsors, organizes, rents, or provides to the general public the
6 opportunity to use any motocross vehicle by a participant at a motocross facility;**

7 **(2) "Inherent risks of motocross activities", those dangers, hazards, or
8 conditions that are an integral part of motocross activities, including, but not limited to:**

9 **(a) Cold weather or heat-related injuries and illnesses, including hypothermia,
10 frostbite, heat exhaustion, heat stroke, and dehydration;**

11 **(b) An "act of nature" which may include rock fall, inclement weather, thunder
12 and lightning, severe or varied temperature, weather conditions, and winds including
13 tornadoes;**

14 **(c) Operator error;**

15 **(d) Attack or bite by animals;**

16 **(e) The aggravation of injuries or illnesses because they occurred in remote
17 places where there are no available medical facilities;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(3) "Motocross activity", riding on, training in or on, using, or being a passenger**
19 **on a motocross vehicle during:**

20 **(a) A competition, exercise, or undertaking that involves a motocross vehicle; or**

21 **(b) Training or teaching activities regarding the operation of a motocross vehicle**
22 **at a motocross facility;**

23 **(4) "Motocross facility", an area created and maintained for the operation of**
24 **motocross vehicles on natural or man-made terrain for recreation and for which a fee is**
25 **charged for access;**

26 **(5) "Motocross vehicle", any motorized two-wheel vehicle being operated over**
27 **terrain created and maintained for recreational use by operators of a motocross facility;**

28 **(6) "Participant", any person, whether an amateur or professional, whether or**
29 **not a fee is paid, which rents, leases, or uses a motocross vehicle or is a passenger on a**
30 **rented, leased, or used motocross vehicle while participating in a motocross activity.**

31 **2. Except as provided in subsection 4 of this section, a facility operator shall not**
32 **be liable for any injury to or the death of a participant resulting from the inherent risks**
33 **of motocross activities and, except as provided in subsection 4 of this section, no**
34 **participant or a participant's representative shall make any claim against, maintain any**
35 **action against, or recover from a facility operator for injury, loss, damage, or death of**
36 **the participant resulting from any of the inherent risks of motocross activities.**

37 **3. This section shall not apply to any employer-employee relationship governed**
38 **by the provisions of chapter 287.**

39 **4. The provisions of subsection 2 of this section shall not prevent or limit the**
40 **liability of a facility operator that:**

41 **(1) Intentionally injures the participant;**

42 **(2) Commits an act or omission that constitutes negligence for the safety of a**
43 **participant in a motocross activity and that negligence is the proximate cause of the**
44 **injury or death of a participant;**

45 **(3) Provides unsafe equipment or an unsafe motocross vehicle to a participant**
46 **and knew or should have known that the furnished equipment or motocross vehicle was**
47 **unsafe; or**

48 **(4) Fails to use that degree of care that an ordinarily careful and prudent person**
49 **would use under the same or similar circumstances.**

50 **5. Every facility operator shall post and maintain signs which contain the**
51 **warning notice specified in this subsection. Such signs shall be placed in a clearly visible**
52 **location on or near areas where the facility operator conducts motocross activities. The**
53 **warning notice specified in this subsection shall appear on the sign in black letters on a**

54 **white background with each letter to be a minimum of one inch in height. The signs and**
55 **contracts described in this subsection shall contain the following warning notice:**

56 **"WARNING**

57 **Under Missouri law, a facility operator is not liable for an injury to or**
58 **the death of a participant in motocross activities resulting from the**
59 **inherent risks of motocross activities pursuant to the Revised Statutes**
60 **of Missouri.".**

61 **6. This section shall not be construed to limit or modify any defense or immunity**
62 **already existing in statute or common law or to affect any claim occurring prior to**
63 **August 28, 2026.**

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