

HB 2852 -- LIABILITY FOR INHERENT RISKS OF MOTOCROSS ACTIVITIES

SPONSOR: Schulte

The bill defines the terms "facility operator", "inherent risks of motocross activities", "motocross activity", "motocross facility", "motocross vehicle", and "participant".

This bill provides that an operator, including employees or agents thereof, that sponsors, organizes, rents, or provides the opportunity to use any motocross vehicle by a participant of a motocross activity at a motocross facility shall not be liable for an injury to or the death of a participant resulting from the inherent risks of motocross activities. However, nothing in this bill prevents or limits the liability if the operator:

- (1) Intentionally injures the participant;
- (2) Commits an act or omission that constitutes negligence and that negligence is the proximate cause of the injury or death of a participant;
- (3) Provides unsafe equipment or an unsafe motocross vehicle to a participant and knew or should have known that the furnished equipment or motocross vehicle was unsafe; or
- (4) Fails to use the degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances.

This bill does not apply to employer-employee relationships governed by worker's compensation law.

Additionally, facility operators must post and maintain a sign or written warning containing a notice in a clearly visible location on or near areas where the motocross activities are conducted. The notice must meet the requirements specified in the bill.

This bill is similar to SB 626 (2025).