

HB527 ENGROSSED



1 HB527
2 6YNS211-2
3 By Representatives Holk-Jones, Faulkner, Baker, Lee, Givens,
4 Ross, Fidler, Brown
5 RFD: Judiciary
6 First Read: 03-Apr-25



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A BILL
TO BE ENTITLED
AN ACT

Relating to liability; to limit the liability of
certain entities operating off-roading parks.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the
following terms have the following meanings:

(1) OFF-ROAD VEHICLE. The term as defined in Section
32-12A-1, Code of Alabama 1975.

(2) OFF-ROADING. Riding or driving in an off-road
vehicle.

(3) OPERATOR. An individual or entity that owns or
operates a park.

(4) PARK. A location open to the public for the
purposes of off-roading.

(5) PARTICIPANT. Any individual, whether amateur or
professional, who engages in off-roading at a park, whether or
not a fee is paid to participate in the off-roading.

(b) Except as provided in subsection (c), an operator
shall not be liable for an injury to or the death of a
participant resulting from the inherent risks of off-roading
and, except as provided in subsection (c), no participant or



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representative of a participant shall make any claim against, maintain an action against, or recover from an operator for injury, loss, damage, or death of the participant resulting from any of the inherent risks of off-roading.

(c) Nothing in this section shall prevent or limit the liability of an operator if the operator did any of the following:

(1) Provided the off-road vehicle and knew or should have known that the off-road vehicle was faulty or defective, and the fault or defect in the off-road vehicle caused the injury.

(2) Provided the off-road vehicle and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the off-roading and to safely manage the particular off-road vehicle based on the participant's representations of his or her ability.

(3) Owned, leased, rented, or otherwise was in lawful possession and control of the land or facilities upon which the participant sustained injuries that were proximately caused by a dangerous latent condition which was known or should have been known to the operator and for which warning signs have not been conspicuously posted.

(4) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury.

(5) Intentionally injures the participant.

(d) Nothing in this section shall prevent or limit the liability of an operator under Article 28 of Chapter 5 of



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Title 6, Code of Alabama 1975.

(e) Every operator shall post and maintain signs that contain the warning notice specified in subsection (f). Signs shall be placed in a clearly visible location on or near areas where the operator allows off-roading. The warning notice shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an operator for off-roading, whether or not the contract involves off-roading on or off the location or site of the operator's business, shall contain in clearly readable print the warning notice specified in subsection (f).

(f) The signs and contracts described in subsection (e) shall contain the following warning notice:

"WARNING

Under Alabama law, an operator is not liable for an injury to or the death of a participant in off-roading resulting from the inherent risks of off-roading, except as allowed by state law."

(g) Failure to comply with the requirements in subsections (e) and (f) shall prevent an operator from invoking the privileges of immunity provided by this section.

(h) An operator shall maintain liability insurance coverage in an amount not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in aggregate to be eligible for the immunity provided in this section. An operator shall make evidence of its current insurance available for inspection at the request of any participant or legal representative of a participant.



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85 Section 2. This act shall become effective on October
86 1, 2025.



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House of Representatives

90 Read for the first time and referred03-Apr-25
91 to the House of Representatives
92 committee on Judiciary
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94 Read for the second time and placed17-Apr-25
95 on the calendar:
96 1 amendment
97
98 Read for the third time and passed29-Apr-25
99 as amended
100 Yeas 100
101 Nays 0
102 Abstains 1
103
104
105 John Treadwell
106 Clerk
107