

## HB527 INTRODUCED



1 HB527  
2 WQNT95-1  
3 By Representatives Holk-Jones, Faulkner, Baker, Lee, Givens,  
4 Ross, Fidler, Brown  
5 RFD: Judiciary  
6 First Read: 03-Apr-25



SYNOPSIS:

This bill would create limits to the liability of a person that operates an off-roading park for claims arising from the inherent risks of participating in off-roading.

This bill would also require an entity that operates an off-roading park to post specific signage to take advantage of the liability limitation.

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.



## HB527 INTRODUCED

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

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

34 (b) Except as provided in subsection (c), an operator  
35 shall not be liable for an injury to or the death of a  
36 participant resulting from the inherent risks of off-roading  
37 and, except as provided in subsection (c), no participant or  
38 representative of a participant shall make any claim against,  
39 maintain an action against, or recover from an operator for  
40 injury, loss, damage, or death of the participant resulting  
41 from any of the inherent risks of off-roading.

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

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

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

53 (3) Owned, leased, rented, or otherwise was in lawful  
54 possession and control of the land or facilities upon which  
55 the participant sustained injuries that were proximately  
56 caused by a dangerous latent condition which was known or



## HB527 INTRODUCED

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 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, pursuant to state law."

(g) Failure to comply with the requirements in subsections (e) and (f) shall prevent an operator from



## **HB527 INTRODUCED**

85     invoking the privileges of immunity provided by this section.

86             Section 2. This act shall become effective on October

87     1, 2025.