

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S3/6/25

A Bill

HOUSE BILL 1465

5 By: Representative Gonzales
6 By: Senator M. McKee
7

For An Act To Be Entitled

9 AN ACT CONCERNING DIRTBIKE USE ON PRIVATE PROPERTY;
10 TO ESTABLISH THE LIABILITY OF AN OWNER OF PRIVATE
11 PROPERTY; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING DIRTBIKE USE ON PRIVATE
16 PROPERTY; AND TO ESTABLISH THE LIABILITY
17 OF AN OWNER OF PRIVATE PROPERTY.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 27, Chapter 20, Subchapter 1, is
22 amended to add an additional section to read as follows:

23 27-20-121. Liability for dirtbike use on private property –

24 Definitions.

25 (a) As used in this section:

26 (1) "Dirtbike" means a motorcycle designed primarily for off-
27 road use;

28 (2) "Inherent risk of dirtbike use" means the dangers or
29 conditions that are an integral part of dirtbike use on roads, trails, paths,
30 or other surfaces, including without limitation:

31 (A) Injury or death caused by:

32 (i) A change or variation in the surface that may
33 cause a participant to lose control, lose his or her balance, or crash the
34 dirtbike; or

35 (ii) A collision with a natural or man-made object;

36 (B) Operator error, including equipment failure due to



1 operator error;

2 (C) Attack or injury by an animal; and

3 (D) The aggravation of an injury, illness, or condition
4 because the injury, illness, or condition occurred in a remote place where
5 medical facilities are not available;

6 (3) "Motorcycle" means a motor vehicle having a seat or saddle
7 for use of the rider and designed to travel on no more than three (3) wheels
8 in contact with the ground;

9 (4) "Owner of private property" means an individual, group,
10 club, partnership, corporation, or business entity, whether or not operating
11 for profit, or an employee or organized agent, that sponsors, organizes,
12 rents, or provides to a participant the use of private property for dirtbike
13 use; and

14 (5) "Participant" means an individual who rents, leases, or uses
15 a dirtbike on private property whether or not a fee is paid.

16 (b)(1)(A) A participant assumes the inherent risk of dirtbike use by
17 engaging in dirtbike use on private property.

18 (B) A participant or his or her representative shall not
19 have a claim against, maintain an action against, or recover from an owner of
20 private property for loss, damage, or injury to, or the death of, the
21 participant resulting from the inherent risk of dirtbike use.

22 (2) An owner of private property is not liable for an injury to
23 or the death of a participant resulting from the inherent risk of dirtbike
24 use.

25 (c) This section does not:

26 (1) Apply to a relationship between an employer and employee
27 under the Workers' Compensation Law, § 11-9-101 et seq.; or

28 (2) Prevent or limit the liability of an owner of private
29 property that:

30 (A) Intentionally injures a participant;

31 (B) Commits an act or omission of gross negligence
32 concerning the safety of a participant that proximately causes injury to or
33 the death of the participant;

34 (C) Provides an unsafe dirtbike to a participant and knew
35 or should have known that the dirtbike was unsafe to the extent that it could
36 cause an injury;

1 (D) Fails to use the degree of care that an ordinarily
2 careful and prudent person would use under the same or similar circumstances;
3 or

4 (E) Commits other acts, errors, or omissions that
5 constitute willful or wanton misconduct, gross negligence, or criminal
6 conduct that proximately causes injury, damage, or death.

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