

SENATE BILL NO. 626

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

2374S.01H

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 537.326, to read as
3 follows:

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

3 (1) "Inherent risks of motocross activities", those
4 dangers, hazards, or conditions that are an integral part of
5 motocross activities, including, but not limited to:

6 (a) Cold weather or heat-related injuries and
7 illnesses, including hypothermia, frostbite, heat
8 exhaustion, heat stroke, and dehydration;

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

13 (c) Operator error;

14 (d) Attack or bite by animals;

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

18 (2) "Facility operator", any individual, group, club,
19 partnership, corporation, or business entity, whether or not
20 operating for profit or not-for-profit, or any employee or
21 agent thereof, which sponsors, organizes, rents, or provides
22 to the general public the opportunity to use any motocross
23 vehicle by a participant at a motocross facility;

24 (3) "Motocross activity", riding on, training in or
25 on, using, or being a passenger on a motocross vehicle
26 during:

27 (a) A competition, exercise, or undertaking that
28 involves a motocross vehicle; or

29 (b) Training or teaching activities regarding the
30 operation of a motocross vehicle at a motocross facility;

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

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

38 (6) "Participant", any person, whether an amateur or
39 professional, whether or not a fee is paid, which rents,
40 leases, or uses a motocross vehicle or is a passenger on a
41 rented, leased, or used motocross vehicle while
42 participating in a motocross activity.

43 2. Except as provided in subsection 4 of this section,
44 a facility operator shall not be liable for any injury to or
45 the death of a participant resulting from the inherent risks
46 of motocross activities and, except as provided in
47 subsection 4 of this section, no participant or a
48 participant's representative shall make any claim against,
49 maintain any action against, or recover from a facility

50 operator for injury, loss, damage, or death of the
51 participant resulting from any of the inherent risks of
52 motocross activities.

53 3. This section shall not apply to any employer-
54 employee relationship governed by the provisions of chapter
55 287.

56 4. The provisions of subsection 2 of this section
57 shall not prevent or limit the liability of a facility
58 operator that:

59 (1) Intentionally injures the participant;

60 (2) Commits an act or omission that constitutes
61 negligence for the safety of a participant in a motocross
62 activity and that negligence is the proximate cause of the
63 injury or death of a participant;

64 (3) Provides unsafe equipment or an unsafe motocross
65 vehicle to a participant and knew or should have known that
66 the furnished equipment or motocross vehicle was unsafe; or

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

70 5. Every facility operator shall post and maintain
71 signs which contain the warning notice specified in this
72 subsection. Such signs shall be placed in a clearly visible
73 location on or near areas where the facility operator
74 conducts motocross activities. The warning notice specified
75 in this subsection shall appear on the sign in black letters
76 on a white background with each letter to be a minimum of
77 one inch in height. The signs and contracts described in
78 this subsection shall contain the following warning notice:

79

"WARNING

80 Under Missouri law, a facility operator is not
81 liable for an injury to or the death of a
82 participant in motocross activities resulting from
83 the inherent risks of motocross activities
84 pursuant to the Revised Statutes of Missouri.".

85 6. This section shall not be construed to limit or
86 modify any defense or immunity already existing in statute
87 or common law or to affect any claim occurring prior to
88 August 28, 2025.

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