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SENATE BILL NO. 451

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend the Code of Virginia by adding a section numbered 8.01-219.2, relating to duty of care and liability of landowner; injury or death of person operating off-road motorcycle.

Patron—Jordan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-219.2 as follows:

§ 8.01-219.2. Duty of care and liability of landowner for persons operating off-road motorcycles.

A. For purposes of this section:

"Land" or "premises" means real property or right-of-way, whether rural or urban, waters, boats, private ways, natural growth, trees, railroad property, railroad right-of-way, utility corridor, and any building or structure that might be located on such real property, waters, boats, private ways, and natural growth.

"Landowner" means the legal title holder, any easement holder, the lessee, the occupant, or any other person in control of land or premises.

"Off-road motorcycle" means the same as defined in § 46.2-100.

B. Except as provided in subsection D, no landowner shall owe a duty of care to another person who operates an off-road motorcycle on such landowner's land, regardless of whether such landowner has given such person permission to use such land for such purpose or whether such person has paid a fee to the landowner for use of such land for such purpose. No landowner shall be liable for any civil damages for any acts or omissions resulting from (i) the conditions of any roads, trails, paths, or other surfaces on such land or (ii) a change or variation on any road, trail, path, or other surface that may cause the operator of an off-road motorcycle to (a) lose control of or crash the off-road motorcycle or (b) collide with any structure or object, whether natural or man-made. Additionally, no landowner who provides any person with an off-road motorcycle for use on such land, regardless of whether such landowner receives a fee for use of the off-road motorcycle, shall be civilly liable for any injury or death resulting from such person's error in operating such off-road motorcycle, including any equipment failure due to operator error.

C. Any landowner who gives permission, express or implied, for another person to operate an off-road motorcycle on the landowner's land does not thereby:

1. Impliedly or expressly represent that the premises are safe for such purpose;

2. Constitute the person to whom permission has been granted an invitee or licensee to whom a duty of care is owed; or

3. Assume responsibility or incur liability for any intentional or negligent acts of such other person or any other person except as otherwise provided.

D. Nothing contained in this section shall limit the liability of a landowner if injury or death arises from the landowner's (i) gross negligence or willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; (ii) provision of an off-road motorcycle that the landowner knew was unsafe to the extent that operating such off-road motorcycle would likely result in an injury; or (iii) other act or omission resulting from gross negligence or willful misconduct.