

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in general provisions
3 relating to civil actions and proceedings, further providing
4 for comparative negligence.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 7102(b.3) and (d) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 7102. Comparative negligence.

10 * * *

11 (b.3) [Off-road vehicle riding] Sporting and recreational
12 activities.--

13 (1) [Off-road vehicle riding area operators] Operators
14 and providers of sporting and recreational activities shall
15 have no duty to protect [riders] participants from common,
16 frequent, expected and nonnegligent risks inherent to the
17 activity[, including collisions with riders or objects].

18 (2) The doctrine of knowing voluntary assumption of risk

1 shall apply to all actions to recover damages for negligence
2 resulting in death or injury to person or property brought
3 against any [off-road vehicle riding area] operator or
4 provider of sporting and recreational activities.

5 (3) Nothing in this subsection shall be construed in any
6 way to abolish or modify a cause of action against a
7 potentially responsible party other than an [off-road vehicle
8 riding area] operator or provider of sporting and
9 recreational activities.

10 * * *

11 (d) Definitions.--As used in this section the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Defendant or defendants." Includes impleaded defendants.

15 ["Off-road vehicle." A motorized vehicle that is used off-
16 road for sport or recreation. The term includes snowmobiles,
17 all-terrain vehicles, motorcycles and four-wheel drive vehicles.

18 "Off-road vehicle riding area." Any area or facility
19 providing recreational activities for off-road vehicles.

20 "Off-road vehicle riding area operator." A person or
21 organization owning or having operational responsibility for any
22 off-road vehicle riding area. The term includes:

23 (1) Agencies and political subdivisions of this
24 Commonwealth.

25 (2) Authorities created by political subdivisions.

26 (3) Private companies.]

27 "Plaintiff." Includes counter claimants and cross-claimants.

28 "Sporting and recreational activities." The term shall
29 include, but not be limited to, baseball, soccer, football,
30 paintball, whitewater rafting, canoeing, swimming, kayaking,

1 mountain biking, hunting, fishing, off-road riding and other
2 similar activities.

3 Section 2. This act shall take effect in 60 days.