

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 385 Session of 2023

INTRODUCED BY HEFFLEY, KEEFER, M. JONES AND ROWE, MARCH 14, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2023

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  
 19 shall apply to all actions to recover damages for negligence

1 resulting in death or injury to person or property brought  
2 against any [off-road vehicle riding area] operator or  
3 provider of sporting and recreational activities.

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

9 \* \* \*

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

13 "Defendant or defendants." Includes impleaded defendants.

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

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

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

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

24 (2) Authorities created by political subdivisions.

25 (3) Private companies.]

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

27 "Sporting and recreational activities." Includes baseball,  
28 soccer, football, paintball, whitewater rafting, canoeing,  
29 swimming, kayaking, mountain biking, hunting, fishing, off-road  
30 riding, recreational camping and other similar activities.

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