



1 organizes, or provides the facilities for the operation of all  
2 terrain vehicles.

3 "Inherent risk of all terrain vehicles" means those dangers  
4 or conditions that are an integral part of all terrain vehicles,  
5 including but not limited to the unpredictability of the  
6 vehicle on surface and subsurface conditions.

7 "Participant" means any person, whether amateur or  
8 professional, who operates an all terrain vehicle, whether or  
9 not a fee is paid to participate in the all terrain vehicle  
10 activity.

11 § -2 **All terrain vehicle activities; rebuttable**  
12 **presumption.** In any civil action for injury, loss, damage, or  
13 death of a participant, there shall be a rebuttable presumption  
14 that the injury, loss, damage, or death was not caused by the  
15 negligence of an all terrain vehicle activity sponsor, or their  
16 employees or agents, if the injury, loss, damage, or death was  
17 caused solely by the inherent risk of the all terrain vehicle.  
18 An injured person or their legal representative may rebut the  
19 presumption of no negligence by a preponderance of the  
20 evidence."



# H.B. NO. 890

1           SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4           SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY:

Cindy Evans

JAN 26 2009



**Report Title:**

All Terrain Vehicles

**Description:**

Creates a rebuttable presumption that injuries resulting from the use of an all terrain vehicle were not caused by the negligence of an all terrain vehicle activity sponsor.

