

# HOUSE BILL No. 1076

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-30-37.

**Synopsis:** Liability connected with off-road vehicle use. Provides that an owner, a spectator, and a promoter are immune from civil liability arising from a claim brought by a participant or the participant's personal representative concerning the damage to or the loss of the participant's property or the participant's injury or death that results from the inherent risks of off-road vehicle use.

**Effective:** July 1, 2026.

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## Goss-Reaves, Commons

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January 5, 2026, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1076

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 34-30-37 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]:

4       **Chapter 37. Liability Connected With Off-Road Vehicle Use on**  
5 **Real Property**

6       **Sec. 1. This chapter does not:**

7       (1) apply to a relationship between an employer (as defined in  
8 IC 22-3-6-1(a)) and an employee (as defined in  
9 IC 22-3-6-1(b)); or

10       (2) prevent or limit the liability of an owner, a spectator, or a  
11 promoter that does any of the following:

12       (A) Intentionally injures a participant.

13       (B) Commits an act or omission of gross negligence  
14 concerning the safety of a participant that proximately  
15 causes the participant's injury or death.

16       (C) Fails to use the degree of care that an ordinarily  
17 careful and prudent person would use under the same or



similar circumstances.

(D) Commits other acts, errors, or omissions that:

(i) constitute willful or wanton misconduct, gross negligence, or criminal conduct; and

(ii) proximately cause injury, damage, or death.

Sec. 2. As used in this chapter, "inherent risks of off-road vehicle use" means the dangers or conditions that are an integral part of off-road vehicle use on roads, trails, paths, or other surfaces, including the following:

(1) Injury or death caused by:

(A) a change or variation in the surface that may cause a participant to:

(i) lose the ability to steer the off-road vehicle;

(ii) lose the participant's balance; or

(iii) crash the off-road vehicle;

(B) a collision with an object; or

(C) an attack by an animal.

(2) Operator error, including equipment failure due to operator error.

(3) The aggravation of an already existing injury, illness, or condition because the aggravation of the already existing injury, illness, or condition occurred in a remote place where medical facilities are not readily available.

Sec. 3. As used in this chapter, "off-road vehicle" means a vehicle that is:

(1) self-propelled; and

(2) designed primarily for off-road use.

Sec. 4. As used in this chapter, "owner" means an individual, a group of individuals, a club, or a business entity (as defined in IC 2-2.2-1-2), whether or not operating for profit, or an employee of a business entity, that owns real property and provides to a participant the use of the real property for off-road vehicle use.

Sec. 5. As used in this chapter, "participant" means an individual who rents, leases, or uses an off-road vehicle on an owner's real property whether or not a fee is paid.

Sec. 6. As used in this chapter, "promoter" means an individual, a group of individuals, a club, or a business entity (as defined in IC 2-2.2-1-2), whether or not operating for profit, or an employee of a business entity, that sponsors or organizes a participant's use of an owner's real property for off-road vehicle use.

Sec. 7. As used in this chapter, "spectator" means an individual that is legally present on an owner's real property for the purpose



1 of watching a participant engage in off-road vehicle use.

2 Sec. 8. An owner, a spectator, and a promoter are immune from  
3 civil liability arising from a claim brought by a participant or the  
4 participant's personal representative concerning:

5 (1) the damage to or the loss of the participant's property; or

6 (2) the participant's injury or death;

7 that results from the inherent risks of off-road vehicle use.

