

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4126

By: Fetgatter

6 AS INTRODUCED

7 An Act relating to torts; defining terms; providing
8 property owners protection from liability for dirt
9 bike accidents; providing exemptions from liability
protection; providing for codification; and providing
an effective date.

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 121 of Title 76, unless there is
15 created a duplication in numbering, reads as follows:

16 A. As used in this act:

17 1. "Dirt bike" means a motorcycle designed primarily for off-
18 road use;

19 2. "Inherent risk of dirt bike use" means the dangers or
20 conditions that are an integral part of dirt bike use on roads,
21 trails, racetracks, paths, or other surfaces, including, without
22 limitation:

23 a. injury or death caused by:

- (1) change or variation in the surface that may cause a participant to lose control, lose his or her balance, or crash the dirt bike, or
- (2) a collision with a natural or man-made object; or

b. operator error, including equipment failure due to operator error,

c. attack or injury by an animal, and

d. the aggravation of an injury, illness, or condition because the injury, illness, or condition occurred in a remote place where medical facilities are not available.

12 3. "Motorcycle" means a motor vehicle having a seat for use of
13 the rider and designed to travel on no more than two (2) wheels in
14 contact with the ground;

15 4. "Owner of private property" means an individual, group,
16 club, partnership, corporation, or business entity, whether or not
17 operating for profit, or an employee or organized agent, that
18 sponsors, organizes, rents, or provides to a participant the use of
19 private property for dirt bike use; and

20 5. "Participant" means an individual who rents, leases, or uses
21 a dirt bike on private property whether or not a fee is paid.

22 B. 1. A participant assumes the inherent risk of dirt bike use
23 by engaging in dirt bike use on private property.

1 2. A participant or his or her representative shall not have a
2 claim against, maintain an action against, or recover from an owner
3 of private property for loss, damage, or injury to, or the death of,
4 the participant resulting from the inherent risk of dirt bike use.

5 3. An owner of private property is not liable for an injury to
6 or the death of a participant resulting from the inherent risk of
7 dirt bike use.

8 C. This act does not:

9 1. Apply to a relationship between an employer and employee; or
10 2. Prevent or limit the liability of an owner of private
11 property that:

- 12 a. intentionally injures a participant,
- 13 b. commits an act or omission of gross negligence
14 concerning the safety of a participant that
15 proximately causes injury to or the death of the
16 participant,
- 17 c. provides an unsafe dirt bike to a participant and knew
18 or should have known that the dirt bike was unsafe to
19 the extent that it could cause an injury,
- 20 d. fails to use the degree of care that an ordinarily
21 careful and prudent person would use under the same or
22 similar circumstances, or
- 23 e. commits other acts, errors, or omissions that
24 constitute willful or wanton misconduct, gross

negligence, or criminal conduct that proximately causes injury, damage, or death.

SECTION 2. This act shall become effective November 1, 2026.

60-2-15463 JL 01/09/26