

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5215**

By Delegate Jefferies

[Introduced February 05, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §19-25-5 of the Code of West Virginia, 1931, as amended, relating  
2 generally to limiting landowner liability for the purpose of operation of all-terrain vehicles.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 25. LIMITING LIABILITY OF LANDOWNERS.**

**§19-25-5. Definitions.**

1 Unless the context used clearly requires a different meaning, as used in this article:  
2 "Agricultural purposes" means the raising, cultivation, drying, harvesting, marketing,  
3 production, or storage of agricultural products, including both crops and livestock, for sale or use in  
4 agriculture or agricultural production, or the storage of machinery or equipment used in support of  
5 agricultural production;

6 "Charge" means (A) For purposes of limiting liability for recreational or wildlife propagation  
7 purposes set forth in §19-25-2 of this code, the amount of money asked in return for an invitation to  
8 enter or go upon the land, including a one-time fee for a particular event, amusement, occurrence,  
9 adventure, incident, experience, or occasion which may not exceed \$50 a year per recreational  
10 participant: *Provided*, That the monetary cap on charges imposed pursuant to this article does not  
11 apply to the provisions of §20-14-1 *et seq.* of this code pertaining to the Hatfield-McCoy Regional  
12 Recreation Authority, or activities sponsored on the Hatfield-McCoy regional recreational  
13 authority, or to invitees and/or licensees for the purpose of operation of vehicles as defined by  
14 §17F-1-9;

15 (B) For purposes of limiting liability for military, law enforcement, or homeland-defense  
16 training set forth in §19-25-6 of this code, the amount of money asked in return for an invitation to  
17 enter or go upon the land;

18 "Land" includes, but is not limited to, roads, water, watercourses, rocks, boulders, caves,  
19 private ways, and buildings, structures, and machinery or equipment, when attached to the realty;

20 "Noncommercial recreational activity" does not include any activity for which there is any  
21 charge which exceeds \$50 per year per participant;

22        "Owner includes, but is not limited to, a tenant, lessee, occupant, or person in control of the  
23    premises;

24        "Recreational purposes" includes but is not limited to, any one or any combination of the  
25    following noncommercial recreational activities: Hunting, fishing, swimming, boating, camping,  
26    picnicking, hiking, rock climbing, bouldering, caving, rappelling, slacklining pleasure driving,  
27    motorcycle or all-terrain vehicle riding, bicycling, horseback riding, spelunking, nature study, water  
28    skiing, winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or  
29    scientific sites, aircraft or ultralight operations on private airstrips or farms or otherwise using land  
30    for purposes of the user;

31        "Wildlife propagation purposes" applies to and includes all ponds, sediment control  
32    structures, permanent water impoundments, or any other similar structure created in connection  
33    with surface mining activities as governed by §22-3-1 *et seq.* of this code or from the use of surface  
34    in the conduct of underground coal mining as governed by that article and any rules promulgated  
35    because of the article, which ponds, structures, or impoundments are designated and certified in  
36    writing by the director of the Division of Environmental Protection and the owner to be necessary  
37    and vital to the growth and propagation of wildlife, animals, birds, fish, or other forms of aquatic life  
38    and finds and determines that the premises have the potential of being actually used by the wildlife  
39    for those purposes and that the premises are no longer used or necessary for mining reclamation  
40    purposes. The certification shall be in form satisfactory to the director and shall provide that the  
41    designated ponds, structures, or impoundments may not be removed without the joint consent of  
42    the director and the owner; and

43        "Military, law enforcement, or homeland-defense training" includes, but is not limited to,  
44    training, encampments, instruction, overflight by military aircraft, parachute drops of personnel or  
45    equipment, or other use of land by a member of the Army National Guard or Air National Guard, a  
46    member of a reserve unit of the armed forces of the United States, a person on active duty in the  
47    armed forces of the United States, a state or federal law-enforcement officer, a federal agency or

- 48 service employee, a West Virginia military authority employee or a civilian contractor supporting
- 49 the military and/or government employees acting in that capacity.

NOTE: The purpose of this bill is to limit landowner liability when certain persons operate an all-terrain vehicle.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.