

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5215

By Delegates Jefferies, Ridenour, Mallows, Ferrell, T.

Howell, Masters, and Butler

[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.