

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 686

BY SENATORS MAYNARD, CARMICHAEL, GAUNCH,
KARNES, TAKUBO, WALTERS AND BLAIR

[Originating in the Committee on the Judiciary;
reported on February 28, 2016]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §7-1-3pp; and to amend said code by adding thereto a new section,
3 designated §8-12-5g, all relating to authorizing local governing authorities to hold
4 sanctioned motor vehicle races on public roads or municipal streets or airports under their
5 jurisdiction; requiring issuance of permit in relation to racing event; providing immunity
6 from damages; and declaring that an authorized racing event is not a nuisance or subject
7 to speed restrictions.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §7-1-3pp; and that said code be amended by adding thereto a new section,
3 designated §8-12-5g, all to read as follows:

ARTICLE 6. COUNTY COMMISSIONS GENERALLY.

**§7-1-3pp. Authorizing county commissions to hold motor vehicle racing events on
public roads, municipal streets or airports.**

1 (a) In addition to all other powers and duties not conferred by law upon county
2 commissions, such commissions are empowered to organize and hold motor vehicle racing
3 events on roads and airports in counties in this state; to require a permit; to provide for the
4 issuance of a permit; to prescribe certain requirements for obtaining a permit; to provide for certain
5 powers and duties of the permit holder and the county in relation to a racing event; to provide
6 immunity from damages; and to declare that such a racing event is not a nuisance or subject to
7 speed restrictions.

8 (b) As used in this section:

9 (1) "Person" shall mean an individual, sole proprietorship, partnership, corporation or other
10 legal entity;

11 (2) "Public road" shall mean a road or open country highway under the control of the county
12 court or the governing body of a municipality which is not classified in the state road system;

13 (3) "Municipal street" shall mean an urban or suburban street under the control of the
14 governing body of a municipality which is not classified in the state road system;

15 (4) "Motor vehicle" shall mean and include any mechanical device for the conveyance,
16 drawing or other transportation of persons or property upon the public roads, whether operated
17 on wheels or runners or by other means, except those propelled or drawn by human power or
18 those used exclusively upon rails; and

19 (5) "Racing event" shall mean a motor vehicle race which is sanctioned by a nationally or
20 internationally recognized racing organization and includes preparations, practices and
21 qualifications for the race.

22 (c) A county commission may provide for the issuance of a permit allowing the person to
23 whom the permit is issued to conduct a racing event on a public road or municipal street or at
24 airports located within its jurisdiction. A person shall not conduct a racing event unless the person
25 has been issued a permit under this section.

26 (d) The county commission may charge a reasonable fee for the issuance of a permit
27 under this section.

28 (e) Before a county commission issues a racing event permit under subsections (c) and
29 (d) of this section, the county commission shall determine all of the following:

30 (1) That the person applying for the permit has adequate insurance to pay any damages
31 incurred because of loss or injury to any person or property;

32 (2) That adequate security, emergency services and necessary facilities will be provided
33 during the racing event; and

34 (3) That the person applying for the permit has demonstrated the ability to protect the
35 health, safety and welfare of the citizens of the county, the race participants and those attending
36 the racing event.

37 (f) For purposes of a racing event held under this section, the county commission may do
38 all of the following:

39 (1) Provide for the temporary closing or obstructing of roads, streets, alleys, sidewalks and
40 airport runways;

41 (2) Reroute pedestrian and vehicular traffic; and

42 (3) Waive ordinances and traffic regulations including speed limits and traffic control
43 devices.

44 (g) A racing event held under this section and any action taken under subsections (c) and
45 (e) of this section shall be considered as being for public purposes, including the promotion of
46 commerce and tourism for the benefit of the citizens of the county and state.

47 (h) A county that issues a permit under this section shall not be liable for any damages
48 that may result from the racing event because of loss or injury to any person or property. After a
49 permit is issued, the state shall not be liable for any damages that may result from the racing
50 event because of loss or injury to any person or property.

51 (i) The provisions related to road obstructions and public nuisance set forth in section one,
52 article sixteen, chapter seventeen of this code do not apply to an authorized racing event held
53 under this section.

54 (j) The provisions of article six, chapter seventeen-c of this code shall not apply to an
55 authorized racing event held under this section.

**ARTICLE 8. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS
OF MUNICIPALITIES, GOVERNING BODIES, MUNICIPAL OFFICES
AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

**§8-12-5g. Authorizing municipalities to hold motor vehicle racing events on public roads,
municipal streets or runways.**

1 (a) In addition to all other powers and duties not conferred by law upon municipalities,
2 such municipalities are empowered to organize and hold motor vehicle racing events on roads
3 and airports in this state under their jurisdiction; to require a permit; to provide for the issuance of

4 a permit; to prescribe certain requirements for obtaining a permit; to provide for certain powers
5 and duties of the permit holder and the municipality in relation to a racing event; to provide
6 immunity from damages; and to declare that such a racing event is not a nuisance or prohibited
7 street racing.

8 (b) As used in this section:

9 (1) "Person" shall mean an individual, sole proprietorship, partnership, corporation or other
10 legal entity;

11 (2) "Public road" shall mean a road or open country highway under the control of the county
12 court or the governing body of a municipality which is not classified in the state road system;

13 (3) "Municipal street" shall mean an urban or suburban street under the control of the
14 governing body of a municipality which is not classified in the state road system;

15 (4) "Motor vehicle" shall mean and include any mechanical device for the conveyance,
16 drawing or other transportation of persons or property upon the public roads, whether operated
17 on wheels or runners or by other means, except those propelled or drawn by human power or
18 those used exclusively upon rails; and

19 (5) "Racing event" shall mean a motor vehicle race which is sanctioned by a nationally or
20 internationally recognized racing organization and includes preparations, practices and
21 qualifications for the race.

22 (c) A municipality may provide for the issuance of a permit allowing the person to whom
23 the permit is issued to conduct a racing event on a public road, municipal street or airport located
24 within its jurisdiction. A person shall not conduct a racing event unless the person has been
25 issued a permit under this section.

26 (d) The municipality may charge a reasonable fee for the issuance of a permit under this
27 section.

28 (e) Before a municipality issues a racing event permit under subsections (c) and (d) of this
29 section, the municipality shall determine all of the following:

30 (1) That the person applying for the permit has adequate insurance to pay any damages
31 incurred because of loss or injury to any person or property;

32 (2) That adequate security, emergency services and necessary facilities will be provided
33 during the racing event; and

34 (3) That the person applying for the permit has demonstrated the ability to protect the
35 health, safety and welfare of the citizens of the municipality, the race participants and those
36 attending the racing event.

37 (f) For purposes of a racing event held under this section, the municipality may do all of
38 the following:

39 (1) Provide for the temporary closing or obstructing of roads, streets, alleys, sidewalks and
40 airport runways;

41 (2) Reroute pedestrian and vehicular traffic; and

42 (3) Waive ordinances and traffic regulations including speed limits and traffic control
43 devices.

44 (g) A racing event held under this section and any action taken under subsections (e) and
45 (f) of this section shall be considered as being for public purposes, including the promotion of
46 commerce and tourism for the benefit of the citizens of the municipality and state.

47 (h) A municipality that issues a permit under this section shall not be liable for any
48 damages that may result from the racing event because of loss or injury to any person or property.
49 After a permit is issued, the state shall not be liable for any damages that may result from the
50 racing event because of loss or injury to any person or property.

51 (i) The provisions related to road obstructions and public nuisance set forth in section one,
52 article sixteen, chapter seventeen of this code do not apply to an authorized racing event held
53 under this section.

54 (j) The provisions of article six, chapter seventeen-c of this code shall not apply to an
55 authorized racing event held under this section.