

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 581**

BY SENATOR MAYNARD

[Introduced February 07, 2022; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §55-20-1 and §55-20-2, all relating to immunity from civil liability for owners,  
 3 agents, employees, or contractors of sports or exposition venues; providing definitions;  
 4 and providing for exceptions to immunity.

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

**ARTICLE 20. IMMUNITY FROM CIVIL LIABILITY FOR SPORTS OR EXPOSITION**

**VENUES.**

**§55-20-1. Definitions.**

1 For purposes of this article:

2 “Injury” means injury or death to a spectator arising or resulting from attendance at a  
 3 sports venue competition or exposition venue;

4 “Sports or exposition venue” means a venue where competitive sporting events occur  
 5 involving motorized vehicles, whether for racing or non-racing competition, or competitive athletic  
 6 events, and includes, but is not limited to, large public exhibitions of art or trade goods, trade fairs,  
 7 display shows, presentation, and demonstration exhibits, and includes its owners, agents,  
 8 employees, or contractors;

9 “Participant” means a person who is participating in any capacity at a competitive sports  
 10 event or exposition event or venue;

11 “Spectator” means a person who is present at a sports or exposition venue.

**§55-20-2. Immunity from civil liability for owners or operators of sports or exposition venues; exception.**

1 If the owners, agents, employees, or contractors of a sports or exposition venue inform  
 2 the spectators and participants of the dangers of attending or competing in a motorsports event,  
 3 or of the potential dangers or injury at an exposition venue in West Virginia, and a release of  
 4 liability is executed by a spectator or participant prior to the beginning of the event, then an owner,

5 agent, employee, or contractor of a sports or exposition venue may not be personally liable for  
6 any injuries received by spectators or participants at a sports or exposition venue: *Provided*, That  
7 if a sports or exposition venue is covered by liability insurance for a specific competition at the  
8 sports or exposition venue or specific exposition venue event, then liability for injury or death may  
9 only be up to the limits of insurance coverage: *Provided, however*, That if gross negligence may  
10 be established against the owners, agents, employees, or contractors of a sports or exposition  
11 venue, then the injured person may prosecute a cause of action against the negligent party.  
12 The provisions of this article apply to the acts and omissions of all owners, full-time, part-  
13 time, employees, agents, and contractors of a sports or exposition venue.

NOTE: The purpose of this bill is to provide immunity from civil liability for owners, agents, employees, or contractors of a sports of expositions venues.

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