

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1071

By: (Coffee), Bass and Garrison
of the Senate

6 and

7 Armes, Tibbs and Pittman of
8 the House

9
10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to municipalities; providing short
12 title; defining terms; authorizing municipalities to
13 issue certain permits; prohibiting certain conduct;
14 requiring municipalities to determine certain
15 information for issuance of permit; authorizing fee;
16 specifying authorized conduct for permit holder;
17 requiring certain private property protection and
18 access; requiring certain restoration of property;
19 authorizing municipalities to regulate certain
20 traffic for racing events; providing limitation of
21 liability; prohibiting consideration and finding of
22 public or private nuisance; declaring certain actions
23 taken as being for public purpose; prohibiting
24 certain construction of interpretation; providing for
codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 22-160 of Title 11, unless there
is created a duplication in numbering, reads as follows:

1 A. This section shall be known and may be cited as the
2 "Municipal Motor Vehicle Racing Act".

3 B. For the purposes of this section:

4 1. "Racing event" means a motor vehicle race which is
5 sanctioned by a nationally or internationally recognized racing
6 organization and includes the preparations, practices, and
7 qualifications for the race;

8 2. "Municipality" means any municipality located in this state
9 with a population in excess of three hundred thousand (300,000)
10 according to the most recent Federal Decennial Census;

11 3. "Public trust" means a public trust created pursuant to
12 Section 176 et seq. of Title 60 of the Oklahoma Statutes whose sole
13 beneficiary is the municipality;

14 4. "Racing event area" means all public areas, including,
15 without limitation, public highways, streets, alleys, sidewalks,
16 public parking areas, lots, garages, public buildings, and public
17 parks within the jurisdiction of the municipality that are the
18 subject of any issued permit; and

19 5. "Motor vehicle" means a motorized vehicle designed to be
20 driven on pavement such as streets or highways.

21 C. 1. A municipality or public trust may provide for the
22 issuance of a permit allowing the person to whom the permit is
23 issued to conduct a racing event on or within a racing event area
24 located within the limits of the municipality. A person may not

1 conduct a racing event on or within a racing event area located in a
2 municipality unless the person has been issued a permit which runs
3 for the same time period as any contract for conducting the race.

4 2. Prior to the issuance of a permit under this section, the
5 municipality shall determine:

6 a. that the person applying for the permit has adequate
7 insurance to pay any damages incurred because of loss
8 of or injury to any person or property,

9 b. that the person applying for the permit has
10 demonstrated experience in conducting a racing event
11 on a highway or street or in a park,

12 c. that adequate security and necessary facilities will
13 be provided during the racing event, and

14 d. that the person applying for the permit has
15 demonstrated the ability to protect the health,
16 safety, and welfare of the citizens of the
17 municipality and those persons attending the racing
18 event.

19 3. A municipality may charge a reasonable fee for the issuance
20 of a permit pursuant to this section.

21 D. A person who is issued a permit pursuant to this section may
22 do all of the following for the purposes of a racing event conducted
23 pursuant to this section:

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1 1. Limit access to the racing event area, including, without
2 limitation, any racing event area from which the racing event may be
3 viewed;

4 2. Provide for viewing areas and pit areas or any other area on
5 or within the racing event area necessary to the conduction of the
6 racing event;

7 3. Charge admission fees to persons viewing the race or
8 entering the racing event area; and

9 4. Take any other action reasonably necessary for the purposes
10 of a racing event pursuant to this section.

11 E. 1. A person who is issued a permit pursuant to this section
12 shall reasonably protect private property rights and shall not
13 prevent access to governmental facilities; and

14 2. A person who is issued a permit pursuant to this section
15 shall provide for the restoration of the racing event area,
16 including all public highways, streets, alleys, sidewalks, parking
17 areas, parking lots, garages, public buildings and public parks to a
18 substantially similar condition as existed before the racing event
19 so that the racing event areas are suitable for their normal use.
20 The restoration of any asphalt or paving must occur after the
21 expiration of the permit or, if a race does not occur, within
22 twenty-four (24) months of the running of the previous race.

23 F. With respect to any racing event held pursuant to this
24 section, a municipality may:

- 1 1. Provide for the temporary closing or obstructing of the
- 2 racing event areas located within the municipality;
- 3 2. Reroute pedestrian and vehicular traffic; and
- 4 3. Waive ordinances and traffic regulations, including
- 5 ordinances and regulations providing for speed limits and traffic
- 6 control devices.

7 G. A municipality that issues a permit pursuant to this section
8 shall not be liable for any damages that may result from the racing
9 event because of loss of or injury to any person or property. After
10 a permit is issued, the state or county shall not be liable for any
11 damages that may result from the racing event because of loss of or
12 injury to any person or property. If a municipality, a county, or
13 the state is insured against liability for damages for any negligent
14 or wrongful act, omission, or occurrence resulting from a racing
15 event, the provisions of this subsection do not apply to the extent
16 of such coverage provided by the insurance policy.

17 H. A racing event held pursuant to this section and the actions
18 of the municipality or the permit holder taken pursuant to this
19 section shall not be considered or found to be a public or private
20 nuisance.

21 I. A racing event held pursuant to this section and any action
22 taken by a municipality or a permit holder pursuant to this section
23 shall be considered as being for public purposes, including the

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1 promotion of commerce and tourism, and for the benefit of the
2 citizens of the municipality and the state.

3 J. A permit issued pursuant to this section shall not be
4 construed in any way to restrict the use of private property.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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