

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature

4 ENGROSSED SENATE
5 BILL NO. 160

 By: Holt of the Senate

 and

 Nelson of the House

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10 An Act relating to motor vehicle racing; creating the
11 Municipal Motor Vehicle Racing Act; 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; providing an effective date; 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 22-161 of Title 11, unless there
is created a duplication in numbering, reads as follows:

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

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 22-162 of Title 11, unless there
5 is created a duplication in numbering, reads as follows:

6 For the purposes of this act:

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

11 2. "Municipality" means any municipality in this state with a
12 population exceeding three hundred thousand (300,000) according to
13 the most recent Federal Decennial Census;

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

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

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

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 22-163 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A municipality or public trust may provide for the issuance
5 of a permit to conduct a racing event on or within a racing event
6 area located within the limits of the municipality. No person may
7 conduct a racing event on or within a racing event area located in a
8 municipality unless a permit has been issued which runs for the same
9 time period as any contract for conducting the race.

10 B. Prior to the issuance of a permit under this act, the
11 municipality shall determine that:

12 1. The applicant has adequate insurance to pay any damages
13 incurred because of loss of or injury to any person or property;

14 2. The applicant has demonstrated experience in conducting a
15 racing event on a highway or street or in a park;

16 3. Adequate security and necessary facilities will be provided
17 during the racing event, and

18 4. The applicant has demonstrated the ability to protect the
19 health, safety, and welfare of the citizens of the municipality and
20 those persons attending the racing event.

21 C. A municipality may charge a reasonable fee for the issuance
22 of a permit pursuant to this act.

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1 D. A person who is issued a permit pursuant to this act may do
2 all of the following for the purposes of a racing event conducted
3 pursuant to this act:

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

7 2. Provide for viewing areas and pit areas or any other area on
8 or within the racing event area necessary to the conduction of the
9 racing event;

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

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

14 E. A person who is issued a permit pursuant to this act shall:

15 1. Reasonably protect private property rights;

16 2. Not prevent access to governmental facilities; and

17 3. Provide for the restoration of the racing event area,
18 including all public highways, streets, alleys, sidewalks, parking
19 areas, parking lots, garages, public buildings and public parks to a
20 substantially similar condition as existed before the racing event
21 so that the racing event areas are suitable for normal use. The
22 restoration of any asphalt or paving shall occur after the
23 expiration of the permit or, if a race does not occur, within
24 twenty-four (24) months of the running of the previous race.

1 F. With respect to any racing event held pursuant to this act,
2 a municipality may:

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

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

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

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

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 act shall not be construed
4 in any way to restrict the use of private property.

5 SECTION 4. This act shall become effective July 1, 2011.

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

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11 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM AND
12 FINANCIAL SERVICES, dated 03-23-2011 - DO PASS.

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