

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 686**

BY SENATORS MAYNARD, CARMICHAEL, GAUNCH,  
KARNES, TAKUBO, WALTERS AND BLAIR, *original*  
*sponsors*

[Passed March 12, 2016; in effect 90 days from  
passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §7-1-3qq; 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; defining terms; authorizing regional airport authorities to hold sanctioned  
6 motor vehicle races on airports under their jurisdiction; requiring issuance of permit in  
7 relation to racing event; authorizing charging reasonable fee for issuance of a permit;  
8 setting forth conditions upon which a permit may be issued; authorizing local governing  
9 authorities to modify or exempt traffic laws to facilitate a racing event; requiring local  
10 governing authorities to provide at least sixty days' written notice to the West Virginia  
11 Department of Transportation – Traffic Engineering Division of any racing permit issued;  
12 requiring written notice to identify plans for a racing event; declaring that a racing event is  
13 for public purposes; providing immunity from damages; and declaring that an authorized  
14 racing event is not a nuisance or subject to speed restrictions.

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

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

**ARTICLE 6. COUNTY COMMISSIONS GENERALLY.**

**§7-1-3qq. 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; and to declare  
6 that such a racing event is not a nuisance or subject to speed restrictions.

7 (b) As used in this section:

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

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

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

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

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

21 (c) A county commission may provide for the issuance of a permit allowing the person to  
22 whom the permit is issued to conduct a racing event on a public road or municipal street or at  
23 airports located within its jurisdiction. A person shall not conduct a racing event unless the person  
24 has been issued a permit under this section: *Provided* That the decision to issue a permit for any  
25 airport formed pursuant to chapter eight, article twenty-nine of this code shall be made by the  
26 governing body of the Regional Airport Authority.

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

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

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

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

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

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

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

42 (2) Reroute pedestrian and vehicular traffic; and

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

45 (g) No less than sixty days prior to a scheduled racing event, a county commission shall  
46 provide written notice to the West Virginia Department of Transportation - Traffic Engineering  
47 Division of any racing event permit issued under this section. The written notice shall identify the  
48 following:

49 (1) The time, date and location of the event;

50 (2) The nationally or internationally recognized racing organization sponsoring the event;

51 (3) A road closure plan that specifies the public roads, municipal streets, alleys, sidewalks  
52 and airport runways that will be temporarily closed or obstructed during the event;

53 (4) A traffic control plan that specifies the on-site traffic controls and detour route to be  
54 used during the event; and

55 (5) The names and phone numbers of emergency and law-enforcement contacts  
56 overseeing the event.

57 (h) A racing event held under this section and any action taken under subsections (e) and  
58 (f) of this section shall be considered as being for public purposes, including the promotion of  
59 commerce and tourism for the benefit of the citizens of the county and state.

60 (i) A county that issues a permit under this section shall not be liable for any damages that  
61 may result from the racing event because of loss or injury to any person or property. After a  
62 permit is issued, the state shall not be liable for any damages that may result from the racing  
63 event because of loss or injury to any person or property.

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

67 (k) The provisions of article six, chapter seventeen-c of this code shall not apply to an  
68 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; and to declare  
6 that such a racing event is not a nuisance or prohibited street racing.

7 (b) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (2) Reroute pedestrian and vehicular traffic; and

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

43 (g) No less than sixty days prior to a scheduled racing event, a municipality shall provide  
44 written notice to the West Virginia Department of Transportation - Traffic Engineering Division of  
45 any racing event permit issued under this section. The written notice shall identify the following:

46 (1) The time, date and location of the event;

47 (2) The nationally or internationally recognized racing organization sponsoring the event;

48 (3) A road closure plan that specifies the public roads, municipal streets, alleys, sidewalks  
49 and airport runways that will be temporarily closed or obstructed during the event;

50 (4) A traffic control plan that specifies the on-site traffic controls and detour route to be  
51 used during the event; and

52 (5) The names and phone numbers of emergency and law-enforcement contacts  
53 overseeing the event.

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

57 (i) A municipality that issues a permit under this section shall not be liable for any damages  
58 that may result from the racing event because of loss or injury to any person or property. After a

59 permit is issued, the state shall not be liable for any damages that may result from the racing  
60 event because of loss or injury to any person or property.

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

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



