WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 581

By Senator Maynard

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

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

For purposes of this article:

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

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

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

“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.

If the owners, agents, employees, or contractors of a sports or exposition venue inform the spectators and participants of the dangers of attending or competing in a motorsports event, or of the potential dangers or injury at an exposition venue in West Virginia, and a release of liability is executed by a spectator or participant prior to the beginning of the event, then an owner, agent, employee, or contractor of a sports or exposition venue may not be personally liable for any injuries received by spectators or participants at a sports or exposition venue: *Provided*, That if a sports or exposition venue is covered by liability insurance for a specific competition at the sports or exposition venue or specific exposition venue event, then liability for injury or death may only be up to the limits of insurance coverage: *Provided, however*, That if gross negligence may be established against the owners, agents, employees, or contractors of a sports or exposition venue, then the injured person may prosecute a cause of action against the negligent party.

The provisions of this article apply to the acts and omissions of all owners, full-time, part-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.