

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 809

By Senator Maynard

[Introduced February 15, 2024; referred
to the Committee on Transportation and Infrastructure;
and then to the Committee on the Judiciary]

1 A BILL to repeal §7-1-3qq of the Code of West Virginia, 1931, as amended; and to amend said
 2 code by adding thereto a new section, designated §17-2-3, all relating to racing on
 3 highways or streets; transferring duties from county commissions to the Department of
 4 Transportation; and allowing races on county or municipal roads when the race is
 5 sanctioned by the local governing authority and the road is closed to other traffic.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3qq. Authorizing county commissions to hold motor vehicle racing events on public roads, municipal streets or airports.

1 [Repealed].

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2. STATE ROAD COMMISSION.

§17-2-3. Authorizing Department of Transportation 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 the Department of
 2 Transportation, the department may allow motorsports sanctioning bodies to organize and hold
 3 motor vehicle racing events on roads and airports in counties in this state; to require a permit; to
 4 provide for the issuance of a permit; to prescribe certain requirements for obtaining a permit; to
 5 provide for certain powers and duties of the permit holder; and to declare that such a racing event
 6 is not a nuisance or subject to speed restrictions.

7 (b) As used in this section:

8 (1) "Department" means the Department of Transportation in this state;

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

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

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

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

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

22 (c) The department shall provide for the issuance of a permit allowing the person to whom
23 the permit is issued to conduct a racing event on a public road or municipal street or at airports
24 located within its jurisdiction. A person shall not conduct a racing event unless the person has
25 been issued a permit under this section: *Provided*, That the decision to issue a permit for any
26 airport formed pursuant to §8-29-1 *et seq.* of this code shall be made by the governing body of the
27 Regional Airport Authority.

28 (d) The department may charge a reasonable fee not to exceed the sum of \$250 for the
29 issuance of a permit under this section.

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

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

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

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

39 (f) For purposes of a racing event held under this section, the department shall do all of the
40 following:

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

43 (2) Reroute pedestrian and vehicular traffic; and

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

46 (g) No less than 30 days prior to a scheduled racing event, the department shall provide
47 written notice to its Traffic Engineering Division of any racing event permit issued under this
48 section. The written notice shall identify the 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 used
54 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 state.

60 (i) The department that issues a permit under this section shall not be liable for any
61 damages that may result from the racing event because of loss or injury to any person or property.

62 After a permit is issued, the state shall not be liable for any damages that may result from the
63 racing 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 §17-16-1 of
65 this code do not apply to an authorized racing event held under this section.

66 (k) The provisions of §17C-6-1 et seq. of this code shall not apply to an authorized racing
67 event held under this section.

NOTE: The purpose of this bill is to transfer duties from county commissions to the Department of Transportation when a road closure is requested to hold organized motorsports events on public roads.

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