

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 655**

By Senator M. Maynard

[Introduced January 29, 2026; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §20-20-1, §20-20-2, §20-20-3, §20-20-4, and §20-20-5, relating to establishing  
3 the Right to Race Act; defining terms; setting forth actions brought upon racetracks; setting  
4 forth relevant claims; setting forth political subdivision restrictions; and providing for an  
5 effective date.

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

**ARTICLE 20. RACING FACILITY NUISANCE IMMUNITY.**

**§20-20-1. Definitions.**

1 For purposes of this Article, the following definitions apply:  
2 "Area of the racing facility" means the area within a 10-mile radius of the perimeter of the  
3 property or contiguous group of properties where a racing facility is located.  
4 "Racing facility" or "racetrack" means a designated area or facility where competitive  
5 vehicle and motorsport races are conducted. The term includes the track, spectator areas,  
6 garages, and any associated grounds, buildings, or appurtenances used to operate the races.

**§20-20-2. Pre-existing facility immunity.**

1 (a) A racing facility or racetrack shall not be subject to any civil action brought by a  
2 surrounding property owner under any theory of nuisance, taking, or other theory if the racing  
3 facility or racetrack was built before the surrounding real property owner either purchased the real  
4 property or built in the area of the racing facility or racetrack.

5 (b) The immunity provided under this section shall apply regardless of any changes to the  
6 size, scope, configuration, technology, or type of racing conducted at the facility, provided such  
7 changes are lawful.

**§20-20-3. Applicability.**

1 This article applies only to claims against racing facilities and racetracks located in this  
2 state prior to the date on which the surrounding real property owner bringing the claim acquired or

3 improved the real property.

**§20-20-4. Preemption of Local Ordinances.**

1 No political subdivision of this state may adopt or enforce any ordinance, resolution, or  
2 regulation that would restrict, limit, or prohibit the operation of a racing facility or racetrack in a  
3 manner inconsistent with this article.

**§20-20-5. Effective date.**

1 This article shall take effect immediately upon passage.

NOTE: The purpose of this bill is to create the Right to Race Act. The bill defines terms. The bill sets forth actions brought upon racetracks. The bill sets forth relevant claims. The bill sets forth political subdivision restrictions. Finally, the bill provides for an effective date.

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