

1 **SENATE FLOOR VERSION**

2 February 16, 2011

3 SENATE BILL NO. 160

By: Holt of the Senate

4 and

5 Nelson of the House

6  
7  
8 An Act relating to motor vehicle racing; creating the  
9 Municipal Motor Vehicle Racing Act; providing short  
10 title; defining terms; authorizing municipalities to  
11 issue certain permits; prohibiting certain conduct;  
12 requiring municipalities to determine certain  
13 information for issuance of permit; authorizing fee;  
14 specifying authorized conduct for permit holder;  
15 requiring certain private property protection and  
16 access; requiring certain restoration of property;  
17 authorizing municipalities to regulate certain  
18 traffic for racing events; providing limitation of  
19 liability; prohibiting consideration and finding of  
20 public or private nuisance; declaring certain actions  
21 taken as being for public purpose; prohibiting  
22 certain construction of interpretation; providing for  
23 codification; providing an effective date; and  
24 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:

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

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

4           For the purposes of this act:

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

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

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

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

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

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

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

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

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

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

13 3. Adequate security and necessary facilities will be provided  
14 during the racing event, and

15 4. The applicant has demonstrated the ability to protect the  
16 health, safety, and welfare of the citizens of the municipality and  
17 those persons attending the racing event.

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

20 D. A person who is issued a permit pursuant to this act may do  
21 all of the following for the purposes of a racing event conducted  
22 pursuant to this act:  
23  
24

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

4           2. Provide for viewing areas and pit areas or any other area on  
5 or within the racing event area necessary to the conduction of the  
6 racing event;

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

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

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

12           1. Reasonably protect private property rights;

13           2. Not prevent access to governmental facilities; and

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

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

24

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

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

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

20 I. A racing event held pursuant to this act and any action  
21 taken by a municipality or a permit holder pursuant to this section  
22 shall be considered as being for public purposes, including the  
23 promotion of commerce and tourism, and for the benefit of the  
24 citizens of the municipality and the state.

1 J. A permit issued pursuant to this act shall not be construed  
2 in any way to restrict the use of private property.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-14-11  
9 - DO PASS, As Coauthored.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24