Nuisance Immunity for Certain Racetracks; HB 2416

HB 2416 provides immunity from liability in any civil action based on nuisance, taking, or similar legal theories for a racing facility or racetrack (racetrack) if the racetrack was located and established before the owner of surrounding property acquired or constructed buildings used for residential or commercial purposes on the property. The name given to the provisions of the bill is the Kansas Motorsports Venue Protection Act.

The immunity does not apply to:

- A civil action alleging a material violation of applicable state or local laws or a condition prohibited by a valid permit governing the racetrack; or

- A civil action brought by an owner of surrounding property against a racetrack that has not conducted a competitive race during the four years immediately preceding the date when the owner of the surrounding property purchased or otherwise acquired that real property.

The bill states the provisions shall not be construed to affect any civil action unrelated to nuisance, taking, or similar legal theories, or to limit the enforcement authority of the State or any political subdivision for violations unrelated to nuisance, taking, or similar legal theories.

The bill includes a severability provision.

The bill defines “racetrack” as a designated area or facility where competitive races are conducted, including the track, spectator areas, garages, and associated grounds or buildings. The bill defines a “surrounding property owner” as a natural person or entity owning real property within a five-mile radius of the racetrack.