HOUSE BILL No. 2416

AN ACT concerning civil actions; relating to motorsports venues; creating the Kansas motorsports venue protection act; providing immunity to motorsports venues from civil actions for nuisance, taking or other similar legal theories under certain conditions.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This section shall be known and may be cited as the Kansas motorsports venue protection act.

(b) A racing facility or racetrack shall be immune from liability in any civil action that is based on nuisance, taking or similar legal theories if the racing facility or racetrack was located and established in Kansas before a surrounding property owner either:

(1) Purchased or otherwise acquired such surrounding property owner's real property; or

(2) constructed buildings used for residential or commercial purposes on such surrounding property owner's real property.

(c) This section does not apply to a civil action:

(1) Alleging a material violation of applicable state or local laws or a condition expressly prohibited by a valid permit governing the racing facility or racetrack; or

(2) brought by a surrounding property owner against a racing facility or racetrack that has not conducted a competitive vehicle or motorsport race during the four years immediately preceding the date when such surrounding property owner purchased or otherwise acquired such surrounding property owner's real property.

(d) Nothing in this section shall be construed to:

(1) Affect any civil action unrelated to nuisance, taking or similar legal theories; or

(2) limit the enforcement authority of the state or any political subdivision of the state for violations of state or local law unrelated to claims for nuisance, taking or similar legal theories.

(e) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

(f) As used in this section:

(1) "Racing facility" or "racetrack" means a designated area or facility where competitive vehicle and motorsport races are conducted. "Racing facility" or "racetrack" includes the track, spectator areas, garages and any associated grounds or buildings used to operate motorsport races.

(2) "Surrounding property owner" means a natural person or entity owning real property located within a five-mile radius of a racing facility or racetrack.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the House, and passed that body

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HOUSE concurred in
SENATE amendments _____

_____
Speaker of the House.

_____
Chief Clerk of the House.

Passed the SENATE
as amended _____

_____
President of the Senate.

_____
Secretary of the Senate.

APPROVED _____

_____
Governor.