

## HOUSE BILL No. 2416

By Representative Delperdang

12-22

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

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

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

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

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

15 (2) constructed improvements on such surrounding property owner's  
16 real property.

17 (c) This section does not apply to a civil action alleging a material  
18 violation of applicable state or local laws or a condition expressly  
19 prohibited by a valid permit governing the racing facility or racetrack.

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

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

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

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

31 (f) As used in this section:

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

36 (2) "Surrounding property owner" means a natural person or entity

1 owning real property located in the area surrounding a racing facility or  
2 racetrack.

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