

# An Act

ENROLLED SENATE  
BILL NO. 160

By: Holt of the Senate

and

Nelson and Shelton of the  
House

An Act relating to motor vehicle racing; creating the Municipal Motor Vehicle Racing Act; providing short title; defining terms; authorizing municipalities to issue certain permits; prohibiting certain conduct; requiring municipalities to determine certain information for issuance of permit; authorizing fee; specifying authorized conduct for permit holder; requiring certain private property protection and access; requiring certain restoration of property; authorizing municipalities to regulate certain traffic for racing events; providing limitation of liability; prohibiting consideration and finding of public or private nuisance; declaring certain actions taken as being for public purpose; prohibiting certain construction of interpretation; and providing for codification.

SUBJECT: Municipal motor vehicle racing.

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".

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

For the purposes of this act:

1. "Racing event" means a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization and includes the preparations, practices, and qualifications for the race;
2. "Municipality" means any municipality in this state with a population exceeding three hundred thousand (300,000) according to the most recent Federal Decennial Census;
3. "Public trust" means a public trust created pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes whose sole beneficiary is the municipality;
4. "Racing event area" means all public areas, including, without limitation, public highways, streets, alleys, sidewalks, public parking areas, lots, garages, public buildings, and public parks within the jurisdiction of the municipality that are the subject of any issued permit; and
5. "Motor vehicle" means a motorized vehicle designed to be driven on pavement such as streets or highways.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Reasonably protect private property rights;

2. Not prevent access to governmental facilities; and

3. Provide for the restoration of the racing event area, including all public highways, streets, alleys, sidewalks, parking

areas, parking lots, garages, public buildings and public parks to a substantially similar condition as existed before the racing event so that the racing event areas are suitable for normal use. The restoration of any asphalt or paving shall occur after the expiration of the permit or, if a race does not occur, within twenty-four (24) months of the running of the previous race.

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

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

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

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

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

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

Passed the Senate the 22nd day of February, 2011.

Kim Dail  
Presiding Officer of the Senate

Passed the House of Representatives the 28th day of March, 2011.

John Donley  
Presiding Officer of the House  
of Representatives

**OFFICE OF THE GOVERNOR**

Received by the Governor this 31<sup>st</sup>  
day of March, 2011,  
at 1:49 o'clock P.M.

By: Jessica R. Boyers

Approved by the Governor of the State of Oklahoma the 6<sup>th</sup> day of  
April, 2011, at 4:30 o'clock P.M.

Mary Fallin  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this  
6<sup>th</sup> day of April, 2011,  
at 4:59 o'clock P.M.

By: Michelle R. Day