

SECOND REGULAR SESSION

HOUSE BILL NO. 1705

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUNTER (Sponsor) AND STEVENSON (Co-sponsor).

Read 1st time March 31, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4979L.011

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to racetrack nuisance actions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.296, to read as follows:

537.296. 1. As used in this section, the term "racetracks" means any automotive racetrack, automotive raceway, motor speedway, or any other such place in this state used for racing automobiles in a sporting event, or for practice or instruction in racing, or for the testing of a race car.

2. All owners of racetracks in existence on the effective date of this section, shall be immune from any criminal liability arising out of or as a consequence of noise or sound emission resulting from the normal use of any such racetrack. Owners of such racetracks shall not be subject to any action for public or private nuisance or trespass and no court in this state shall enjoin the use or operation of such racetracks on the basis of noise or sound emission resulting from the normal use of any such racetracks. The term "normal use" of a racetrack, as used in this subsection, means the average level of use of the racetrack during the twelve months preceding the effective date of this section.

3. All owners of racetracks placed in operation after the effective date of this section, shall be immune from any criminal liability and shall not be subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emission resulting from the normal use of any such racetrack, if such racetrack is situated on land otherwise subject to land use zoning and the racetrack is in compliance with the requirements of the zoning authority regarding acceptable noise levels or sound

19 **emission and the racetrack is in compliance with any noise control laws or ordinances that**
20 **applied to the racetrack and its operation at the time such racetrack was constructed and**
21 **initially operated.**

22 **4. A person who acquires title to real property adversely affected by the use or**
23 **operation of a racetrack which was constructed and initially operated prior to the time that**
24 **such person acquired title shall not maintain a nuisance action on the basis of noise or**
25 **noise pollution, or sound emission against the person who owns, operates, or uses the**
26 **racetrack to restrain, enjoin, or impede the use of the racetrack.**