

HOUSE BILL NO. 3177

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MATTHIESEN.

6980H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to nuisance actions against racing facilities and race tracks.

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
2 known as section 537.298, to read as follows:

537.298. 1. As used in this section, the following terms mean:

2 (1) "Area of the racing facility", the area within a three-mile radius of the
3 perimeter of the parcel or contiguous group of parcels upon which a racing facility is
4 located;

5 (2) "Racing facility", a designated area or facility where competitive vehicle or
6 motorsport races are conducted, including the racetrack, spectator areas, pits, garages,
7 staging areas, parking, administrative buildings, and associated grounds or
8 appurtenances used to conduct or support racing events;

9 (3) "Substantial compliance", operation consistent with applicable federal, state,
10 and local laws, regulations, ordinances, and permits, allowing for minor nonmaterial
11 deviations that are promptly corrected.

12 2. A racing facility shall not be subject to a civil action for public or private
13 nuisance, inverse condemnation, or similar theory by a surrounding property owner for
14 typical racing activities if:

15 (1) The developer or operator of the racing facility obtained all permits required
16 for construction or operation and established a vested right in the development of the
17 property or contiguous group of properties where the racing facility is located; and

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(2) The permits and vested right described in subdivision (1) of this subsection**
19 **were obtained before the surrounding property owner either purchased real property or**
20 **constructed any building within the area of the racing facility.**

21 **3. Typical racing activities conducted in substantial compliance with applicable**
22 **laws and permits, including engine noise, public address systems, track lighting, dust**
23 **from competition, race-day traffic, and event scheduling, shall not constitute a public or**
24 **private nuisance.**

25 **4. (1) The immunity in this section shall not apply to conduct that materially**
26 **violates applicable environmental, safety, building, zoning, or noise laws, regulations,**
27 **ordinances, or permits.**

28 **(2) Nothing in this section shall immunize willful or reckless misconduct,**
29 **activities outside permitted racing operations, or a substantial change in use that**
30 **materially increases impacts beyond those contemplated by existing permits and**
31 **approvals.**

32 **5. No state agency, county, or municipality shall bring a civil action alleging**
33 **nuisance against a racing facility for typical racing activities conducted in substantial**
34 **compliance with applicable laws, regulations, ordinances, or permits, provided, nothing**
35 **herein limits enforcement for material violations or offenses unrelated to racing**
36 **activities.**

37 **6. (1) Except as expressly provided in this section, nothing in this section shall**
38 **alter the rights or remedies available under this chapter, including section 537.296, or**
39 **under chapters authorizing municipal nuisance proceedings, including section 82.1025.**

40 **(2) This section shall be liberally construed to effectuate its purposes and shall**
41 **not be construed to impair any contract or vested right.**

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