

HB 3177 -- NUISANCE ACTIONS AGAINST RACING FACILITIES AND RACE TRACKS

SPONSOR: Matthiesen

This bill states that a racing facility will not be subject to nuisance lawsuits or other adverse actions if:

- (1) The developer or operator of the facility obtained all required construction or operation permits and established a vested right in the development of the property or contiguous group of properties; and
- (2) The permits and vested right were obtained before surrounding property owners purchased their real estate or before they constructed any buildings near the racing facility.

Typical racing activities, as described in the bill, that are conducted in substantial compliance with applicable law will not constitute a public or private nuisance. Activities or conduct that materially violate the law, as described in the bill, will not immunize a racing facility from legal action.

The bill prohibits political subdivisions from bringing a civil action alleging nuisance against a racing facility for typical racing activities that are conducted in substantial compliance with the law, except in those instances when material violations or offenses unrelated to racing activities occurs.