



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Economic Development WV Department of TITLE-SERIES: 145-19
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: RULE GOVERNING THE OPERATION OF
MOTORSPORTS COMPLEXES AND EVENTS

CITE STATUTORY AUTHORITY: W. Va. Code §20-19-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) House Bill 2569

Section §20-19-7 Passed On 3/8/2023 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 17, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Emily Rector -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 145
LEGISLATIVE RULE
DEPARTMENT OF ECONOMIC DEVELOPMENT

SERIES 19
RULE GOVERNING THE OPERATION OF MOTORSPORTS COMPLEXES AND EVENTS.

§145-19-1. General.

1.1. Scope. -- the following rules govern the operation of a motorsports complex or any motorsports event in West Virginia.

1.2. Authority. -- W. Va. Code §20-19-7.

1.3. Filing Date. -- June 17, 2024

1.4. Effective Date. -- June 17, 2024

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§145-19-2. Definitions.

2.1. "Equipment" means personal protective equipment provided by the "motorsports operator" and/or "motorsports facility" to a "participant" for use on the facility. Equipment may include, but not be limited to helmets and harnesses.

2.2. "Motorsport facility" means a speedway or racetrack designed and intended for motorsport activities.

2.3. "Motorsport operator" means any person, partnership, corporation, lessee, or other organization, or any combination thereof offering motorsport activities.

2.4. "Participant" means any person or organization using the services of a motorsport facility including, but not limited to, spectators, vehicle operators using either a personally owned vehicle or a vehicle owned by the motorsport facility, or vehicle passengers using either a personally owned vehicle or a vehicle owned by the motorsport facility.

2.5. "Safety check" means a visual assessment performed by the motorsports facility and/or motorsports operator or a qualified third party appointed by the motorsports facility and/or motorsports operator, to identify any apparent tearing, fraying or other damage to the personal protective equipment, which would be expected to reasonably impact the ability for the item to perform as the manufacturer intended.

2.6. "Racing surface" means a plot of ground or course used for vehicular racing.

2.7. "Sanctioning body" means a regional, national, or international organization, which regularly organizes and operates events including, but not limited to promotional and touring events, time trials, driving schools, or lapping days, which have established and accepted guidelines for the operation of their events.

§145-19-3. Safety requirements for equipment.

3.1. Motorsports facility and/or motorsports operator must ensure a safety check is reasonably completed on all equipment prior to each use.

3.2. Equipment must not be altered or manipulated by the Motorsports facility and/or motorsports operator in any way other than how the manufacturer intended or recommended.

3.3. Motorsports facility and/or motorsports operator is not responsible for safety checks for any equipment not owned by the motorsports facility and/or motorsports operator.

3.4. Equipment provided by the motorsports facility or the motorsports operator must be clearly marked with:

3.4.1. Equipment number.

3.4.2. Date purchased.

3.4.3. Motorsports facility name or logo.

3.5. The motorsports facility or the motorsports operator must maintain an equipment safety log identifying the following:

3.5.1. Equipment number.

3.5.2. Date of last safety check.

3.5.3. Result of safety check.

3.6. Equipment that does not pass the safety check must be disposed of or repaired to meet the safety check before being used again.

3.7. The Department of Economic Development or any inspector employed by or representing the Department may request equipment records during normal business hours. Upon request, the owner shall make the records available to the department or inspector.

3.8. Helmets and eye protection.

3.8.1. Helmet and eye protection requirements shall be governed by the safety procedures and requirements established by the sanctioning body hosting the motorsports events.

3.9. Safety belts, shoulder harness and crotch belt.

3.9.1. Safety belts, shoulder harness, and crotch belt requirements shall be governed by the safety procedures and requirements established by the sanctioning body hosting the motorsport event.

3.10. Seats.

3.10.1. Vehicles participating in promotional and touring events, driver schools, time trials, and lapping days, may utilize the original equipment seat provided by the manufacturer provided it has a headrest of sufficient height to provide head support to the driver.

3.10.2. Vehicles participating in a race or race practice shall be governed by the safety procedures and requirements established by the sanctioning body hosting the motorsport event.

3.11. Clothing requirements; other than drivers.

3.11.1. Clothing requirements for non-drivers shall be governed by the safety procedures and requirements established by the sanctioning body hosting the motorsports event.

3.12. Rollover bars.

3.12.1. Rollover protection is required for all open cockpit or convertible vehicles.

3.12.2. Factory provided rollover protection (production vehicles) may be used for promotional and touring events, time trials, driver schools, and lapping days providing that the height of any vehicle occupant (with helmet) is not higher than the highest point of the factory rollover protection structure.

3.12.3. Convertibles and open vehicles (except motorcycles) in races and race practices shall have a roll bar that is a minimum of one inch above the head of any vehicle driver or instructor.

3.13. Fences.

3.13.1. Fences shall be erected around the perimeter of the road course, with the specific requirements determined by a risk assessment considering the track's size, terrain, type of racing, and potential hazards.

3.13.2. If the infield of the road course is accessible by spectators or other non-driving participants, multiple access points shall also be provided to allow emergency entry and exit.

3.14. Flag stations and flagmen.

3.14.1. Flag station and flagmen requirements shall be governed by the safety procedures and requirements established by the sanctioning body hosting the motorsports event.

§145-19-4. Safety requirements for the design of racing surfaces.

4.1. All racing motorsports surfaces must be regularly maintained in accordance with the requirements established by the sanctioning body hosting the motorsports event.

4.2. All racing motorsports surfaces shall be free and clear of debris and items that can knowingly cause injury or damage to participants, other than that which is inherent to the type of racing motorsports surface or necessary to the intended use of the racing motorsports surface.

§145-19-5. Safety requirements for the provision of run-off areas.

5.1. All run-off areas at a motorsport facility must be of sufficient size and constructed with materials appropriate for the intended racing events to provide a reasonable expectation of minimizing injury or damage to the drivers and spectators in the event of an off-track excursion.

5.2. Motorsports operators must endeavor to maintain the run-off areas to be free and clear of debris and items which would be expected to cause harm to a driver or spectator.

5.3. Embankments around the run-off areas must be maintained where necessary.

§145-19-6. Requirements for fire and other emergency services.

6.1. Motorsports operators must ensure fire services are available to respond to a fire emergency during appropriate motorsports events.

6.1.1. Fire services provided by a motorsports operator must ensure all emergency equipment meets or exceeds State safety requirements.

6.2. Motorsports operators must ensure emergency medical services are available to respond to a health emergency during motorsports events.