

House Bill 1066

By: Representatives Wade of the 9th, Powell of the 33rd, Mathiak of the 82nd, Smith of the 18th, Bonner of the 73rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding nuisances, so as to provide immunity from public and private
3 nuisance claims; to provide for immunity for nuisance claims based on changed conditions;
4 to permit nuisance claims for changed conditions relating to changes in the historical
5 operating schedule; to provide for definitions; to provide for an effective date and
6 applicability; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to general
11 provisions regarding nuisances, is amended by adding a new Code section to read as follows:

12 "41-1-11.

13 (a) As used in this Code section, the term:

14 (1) 'Area of the racing facility' means a five-mile radius around the perimeter of a racing
15 facility.

16 (2) 'Historical operating schedule' means the typical days of the week and hours of
17 operation for regularly scheduled racing events as agreed upon by a local governing
18 authority and racing facility.

19 (3) 'Racing facility' means a designated area or facility where competitive vehicle and
20 motorsport races are conducted. Such term shall include the track, spectator areas,
21 garages, and any associated grounds, buildings, or appurtenances used to operate such
22 races.

23 (b) No property owner shall bring a nuisance claim, either public or private, against a
24 racing facility that was built before such property owner purchased real property or built
25 new construction within the area of the racing facility.

26 (c) No racing facility shall become a nuisance, either public or private, solely as a result
27 of changed conditions in or around the area of the racing facility if the racing facility has
28 been in operation for at least one year since the date on which it commenced operation as
29 a racing facility.

30 (d) The immunity provided by this Code section shall not apply to claims based solely on
31 a material change to the historical operating schedule of a racing facility that results in a
32 substantial increase in late night or early morning operations."

33 **SECTION 2.**

34 This Act shall become effective on July 1, 2026, and shall apply to all nuisance actions filed
35 on or after such date.

36 **SECTION 3.**

37 All laws and parts of laws in conflict with this Act are repealed.