

The House Committee on Governmental Affairs offers the following substitute to HB 1066:

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 relating to racing operations; to provide for immunity for nuisance claims
4 based on changed conditions; to permit nuisance claims for changed conditions relating to
5 changes in the historic racing operations; to provide for definitions; to provide for an
6 effective date and applicability; to provide for related matters; to repeal conflicting laws; and
7 for other 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:

15 (A) A five-mile radius around the perimeter of a racing facility in a rural county; or

16 (B) A three-mile radius around the perimeter of a racing facility in any other county.

17 (2) 'Racing facility' means a designated area or facility where competitive vehicle and
18 motorsport races are conducted. Such term shall include the track, spectator areas,
19 garages, and any associated grounds, buildings, or appurtenances contiguous to such
20 facilities used for racing operations.

21 (3) 'Racing operations' means the lawful, permitted, or historically established use of a
22 permanent or seasonal racing facility for organized, sanctioned, or scheduled motor
23 vehicle racing activities, including competitive or exhibition events, and all acts,
24 conditions, and effects that are reasonably inherent, necessary, or incidental to such use,
25 and shall include, but not be limited to:

26 (A) Practice, testing, qualifying, and racing events;

27 (B) Operation of race vehicles on track, in pit areas, staging lanes, and paddocks;

28 (C) Vehicle inspection, maintenance, repair, fueling, and safety operations conducted
29 at a racing facility;

30 (D) Use of lighting, sound systems, timing and scoring equipment, generators, and
31 related infrastructure;

32 (E) Presence and movement of participants, officials, employees, vendors, emergency
33 personnel, and spectators; or

34 (F) Noise, vibration, dust, traffic, lighting, fumes, and emissions customarily associated
35 with racing facilities and events;

36 provided, however, that racing operations shall not include all-terrain vehicle racing or
37 exhibition; recreational off-road or trail riding; unorganized, unsanctioned, or casual
38 vehicle operation not associated with a motorsports event; or motor vehicle use occurring
39 outside the boundaries or scheduled activities of a racing facility.

40 (4) 'Rural county' means a county having a population of less than 50,000 according to
41 the United States decennial census of 2020 or any future such census.

42 (b) No property owner shall bring a nuisance claim, either public or private, against a
43 racing facility that was built before such property owner purchased real property or built

44 new construction within the area of the racing facility when such claim is related to or
45 arises from racing operations.

46 (c) No racing facility shall become a nuisance, either public or private, solely as a result
47 of changed conditions related to racing operations in or around the area of the racing
48 facility if the racing facility has been in operation for at least one year since the date on
49 which it commenced operation as a racing facility when such claim is related to or arises
50 from racing operations.

51 (d) The immunity provided by this Code section shall not apply to claims based solely on
52 a material change to the historic racing operations of a racing facility."

53 **SECTION 2.**

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

56 **SECTION 3.**

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