

WEST VIRGINIA CODE: §64-9-8

§64-9-8. West Virginia Department of Economic Development.

The legislative rule filed in the State Register on July 28, 2023, authorized under the authority of §20-19-7 of this code, modified by the West Virginia Department of Economic Development to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 13, 2023, relating to the West Virginia Department of Economic Development (the operation of motorsports complexes and events, 145 CSR 19), is authorized with the following amendments:

On page 1, subsection 2.5., after the word “to” and before the word “impact” by inserting the word “reasonably”;

On page 2, subsection 3.1, after the word “is” by inserting the word “reasonably”;

On page 2, subsection 3.7., by striking out the words “at any time” and inserting in lieu thereof the words “during normal business hours”;

On page 2, by striking out the entirety of subdivision 3.8.1. and inserting in lieu thereof a new subdivision 3.8.1. to read as follows:

“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.”;

On page 2, by striking out the entirety of subdivisions 3.8.2., 3.8.3., and 3.8.4;

On page 3, by striking out the entirety of subdivisions 3.9.1., 3.9.2., 3.9.3., 3.9.4., and 3.9.5., and inserting in lieu thereof of new subdivision 3.9.1. to read as follows:

“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.”;

On page 3, by striking out the entirety of subdivision 3.10.2. and inserting in lieu thereof a new subdivision 3.10.2. to read as follows:

“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.”;

On page 3, by striking out the entirety of subdivisions 3.11.1, 3.11.2., and 3.11.3 and inserting in lieu thereof a new subdivision 3.11.1. to read as follows:

“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.”

On page 3, by striking out the entirety of subdivision 3.13.1. and inserting in lieu thereof a new subdivision 3.13.1 to read as follows:

“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.”

On page 4 by striking out the entirety of subdivisions 3.13.2. and 3.13.3. and inserting in lieu thereof a new subdivision 3.13.2. to read as follows:

“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.”;

On page 4, by striking out the entirety of subdivisions 3.14.1., 3.14.2., 3.14.3., 3.14.4., and 3.14.5. and inserting in lieu thereof a new subdivision 3.14.1. to read as follows:

“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.”;

On page 4, subsection 4.1., after the word “maintained” by adding the words “in accordance with the requirements established by the sanctioning body hosting the motorsports event.”;

On page 5, by striking out the entirety of subsections 4.3. and 4.4.;

On page 5, by striking out the entirety of subsection 5.1. and inserting in lieu thereof a new subsection 5.1. to read as follows:

“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.”;

On page 5, by striking out the entirety of subdivision 6.1.1. and 6.1.2. and inserting in lieu thereof a new subdivision 6.1.1. to read as follows:

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

And,

On page 5, by striking out the entirety of subdivisions 6.2.1. and 6.2.2.