As Introduced

136th General Assembly
Regular Session
2025-2026

H. B. No. 639

Representatives Deeter, Click

To enact section 3767.52 of the Revised Code to create a complete defense to certain nuisance claims regarding racing facilities and racetracks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3767.52 of the Revised Code be enacted to read as follows:

Sec. 3767.52. (A) As used in this section:

(1) "Area of the racing facility and racetrack" means an area that is located within a five-mile radius of the perimeter of the property or contiguous group of properties where a racing facility and racetrack is located.

(2) "Building" has the same meaning as in section 3781.06 of the Revised Code.

(3) "Ordinary and anticipated activities" include noise, dust, traffic, lighting, and any other activities typically associated with the lawful operation of a racing facility and racetrack.

(4) "Racing facility and racetrack" means a designated area or facility where competitive vehicle and motorsport races

are conducted, including the track, spectator areas, garages, and any associated grounds, buildings, or appurtenances used to operate the races.

(B) In a civil action for nuisances involving a racing facility and racetrack arising on or after the effective date of this section that is brought by a person who owns real property within the area of the racing facility and racetrack, it is a complete defense if all of the following are met:

(1) The person either purchased the real property or constructed a building on the real property after the date that the racing facility and racetrack completed construction.

(2) The racing facility and racetrack is lawfully operating.

(3) The nuisance claim is based on ordinary and anticipated activities of the racing facility and racetrack.

(C) The complete defense under this section applies regardless of any lawful changes to the size, scope, configuration, or technology of the racing facility and racetrack, or type of racing conducted at the racing facility and racetrack.

(D) This section shall not be construed to exempt a racing facility and racetrack from compliance with state or federal environmental laws or health and safety regulations or from a claim based on physical damage or personal injury.

(E) No county or township may adopt or enforce a resolution that conflicts with this section.