

# HOUSE BILL REPORT

## ESHB 2175

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**As Passed House:**

January 22, 1996

**Title:** An act relating to sport shooting ranges.

**Brief Description:** Regulating liability of sport shooting ranges.

**Sponsors:** By House Committee on Law & Justice (originally sponsored by Representatives Campbell, Smith, Buck, McMahan, Pennington, Schoesler, Elliot and Thompson).

**Brief History:**

**Committee Activity:**

Law & Justice: 1/10/96, 1/16/96 [DPS].

**Floor Activity:**

Passed House: 1/22/96, 75-19.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Smith and Sterk.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Murray and Veloria.

**Staff:** Bill Perry (786-7123).

**Background:** Firearms ranges are used by members of the general public and by many law enforcement personnel for recreational shooting as well as firearms training and safety training. Some of these ranges are owned and operated by public entities and some by private entities.

Private "nonprofit firearm range training and practice facilities" may be supported in part by public money. Private entities receiving matching funds or grants of public funds are required to keep facilities open on a regular basis and available for use by law enforcement personnel or by members of the general public who have concealed

pistol licenses or Washington hunting licenses. Private ranges receiving funds must also make their facilities available for hunter and firearm safety classes. The firearms range account is administered by the interagency committee for outdoor recreation and is authorized to make grants for the construction or maintenance of range facilities. The firearms range account is funded by a portion of the fees paid for concealed pistol licenses. A grant to a range must be matched by the range on a one-for-one basis.

Pressures of population growth, land development, and land use regulations have caused concern about the continued use of some firearms ranges. In some instances, range facilities that have been operating for years have been increasingly surrounded by residential neighbors who express concern over noise and safety issues.

In 1994, the Legislature enacted a law that restricted local government's ability to close firearms ranges. Under the 1994 law, a local government could "close" a firearm range training and practice facility only if the government "replaced" the closed facility with another facility of at least equal capacity. The Governor vetoed this provision.

**Summary of Bill:** Operators and users of "sport shooting ranges" are given immunity from certain civil and criminal liabilities, and ranges that conform to existing laws must be permitted to continue operation.

If a range was in compliance with whatever noise control laws were in effect when the range was built or first operated, then an operator or user of the range is immune from civil and criminal liability, and from injunctive action, for noise or noise pollution. No state agency rule limiting noise in the outdoor atmosphere applies to such a range. However, local ordinances may regulate range noise levels between the hours of 10 p.m. and 6 a.m.

If there has been no substantial change in the nature of the use of a "permanently located and improved" range, then other property owners whose property has been adversely affected by the use of the range may not bring a nuisance action against the range. This provision does not affect legal actions against a range operator or user for negligence. However, with respect to potential liability of range operators for injuries to range users, the users of ranges are deemed to have accepted the "obvious and inherent" risks associated with sport shooting.

A range that is in operation and in compliance with existing laws as of the effective date of the act must be allowed to continue operation even if the range becomes out of conformance with subsequent laws.

A grant from the firearms range account need only be matched on a one-for-two basis if the grant is for noise abatement or safety improvements.

Local governments are not prohibited from regulating the "location and construction" of ranges after the effective date of the act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Gun ranges provide an essential service in promoting firearms safety. Increased growth and population density means there is an even greater need for this service. People who locate next to existing ranges should not be allowed to shut down the ranges later. Some local jurisdictions have been unreasonable in planning for and regulating ranges.

**Testimony Against:** No other business in the state is granted this kind of privilege. The bill destroys local control. Ranges established before there were regulations will never be subject to any regulation no matter how much the use of the range increases or the nature of the neighborhood changes.

**Testified:** Representative Tom Campbell, prime sponsor; David Reynard, Kitsap Rifle and Revolver Club and Shelton Rifle and Pistol Club (pro); John Wells, Range Operators Coalition of Washington (pro); James Williams, Tacoma Sportsmen's Club (pro); Kurt Sharar, Washington State Association of Counties (con); Kathy Gerke, Association of Washington Cities (con); Dick Dorsett, Pierce County (con); Jackie White, Washington Ceasefire (con); Margo Westfall, Citizens for Responsible Planning (con); and Yvonne Spies, citizen (con).