
SUBSTITUTE HOUSE BILL 2175

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 01/18/96.

1 AN ACT Relating to sport shooting ranges; amending RCW 77.12.720;
2 and adding a new section to chapter 9.41 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW
5 to read as follows:

6 (1)(a) Notwithstanding any other provision of law, a person who
7 operates or uses a sport shooting range in this state shall not be
8 subject to civil liability or criminal prosecution in any matter
9 relating to noise or noise pollution resulting from the operation or
10 use of the range if the range is in compliance with any noise control
11 laws or ordinances that applied to the range and its operation at the
12 time of construction or initial operation of the range.

13 (b) A person who operates or uses a sport shooting range is not
14 subject to an action for nuisance, and a court of the state shall not
15 enjoin the use or operation of a range on the basis of noise or noise
16 pollution, if the range is in compliance with any noise control laws or
17 ordinances that applied to the range and its operation at the time of
18 construction or initial operation of the range.

1 (c) Rules adopted by any state department or agency for limiting
2 levels of noise in terms of decibel level that may occur in the outdoor
3 atmosphere shall not apply to a sport shooting range exempted from
4 liability under this section.

5 (2) A person who acquires title to or who owns real property
6 adversely affected by the use of property with a permanently located
7 and improved sport shooting range shall not maintain a nuisance action
8 against the person who owns the range to restrain, enjoin, or impede
9 the use of the range where there has not been a substantial change in
10 the nature of the use of the range. This subsection does not prohibit
11 actions for negligence or recklessness in the operation of the range or
12 by a person using the range.

13 (3) A sport shooting range that is operated and is not in violation
14 of existing law at the time of the enactment of an ordinance shall be
15 permitted to continue in operation even if the operation of the sport
16 shooting range at a later date does not conform to the new ordinance or
17 an amendment to an existing ordinance.

18 (4) Each person who participates in sport shooting at a sport
19 shooting range accepts the risks associated with the sport to the
20 extent the risks are obvious and inherent. Those risks include, but
21 are not limited to, injuries that may result from noise, discharge of
22 a projectile or shot, malfunction of sport shooting equipment not owned
23 by the shooting range, natural variations in terrain, surface or
24 subsurface snow or ice conditions, bare spots, rocks, trees, and other
25 forms of natural growth or debris.

26 (5) Except as otherwise provided in this section, this section does
27 not prohibit a local government from regulating the location and
28 construction of a sport shooting range after the effective date of this
29 act.

30 (6) As used in this section:

31 (a) "Local government" means a county, city, or town.

32 (b) "Person" means an individual, proprietorship, partnership,
33 corporation, club, or other legal entity.

34 (c) "Sport shooting range" or "range" means an area designed and
35 operated for the use of rifles, shotguns, pistols, silhouettes, skeet,
36 trap, black powder, or any other similar sport shooting.

37 **Sec. 2.** RCW 77.12.720 and 1994 sp.s. c 7 s 443 are each amended to
38 read as follows:

1 The firearms range account is hereby created in the state general
2 fund. Moneys in the account shall be subject to legislative
3 appropriation and shall be used for purchase and development of land,
4 construction or improvement of range facilities, including fixed
5 structure construction or remodeling, equipment purchase, safety or
6 environmental improvements, noise abatement, and liability protection
7 for public and nonprofit firearm range training and practice
8 facilities.

9 Grant funds shall not be used for expendable shooting supplies, or
10 normal operating expenses. Grant funds shall not supplant funds for
11 other organization programs.

12 The funds will be available to nonprofit shooting organizations,
13 school districts, and state, county, or local governments on a match
14 basis. All entities receiving matching funds must be open on a regular
15 basis and usable by law enforcement personnel or the general public who
16 possess Washington concealed pistol licenses or Washington hunting
17 licenses or who are enrolled in a firearm safety class.

18 Applicants for a grant from the firearms range account shall
19 provide matching funds in either cash or in-kind contributions. The
20 match must represent one dollar in value for each one dollar of the
21 grant except that in the case of a grant for noise abatement or safety
22 improvements the match must represent one dollar in value for each two
23 dollars of the grant. In-kind contributions include but are not
24 limited to labor, materials, and new property. Existing assets and
25 existing development may not apply to the match.

26 Applicants other than school districts or local or state government
27 must be registered as a nonprofit or not-for-profit organization with
28 the Washington secretary of state and the United States internal
29 revenue service. The organization's articles of incorporation must
30 contain provisions for the organization's structure, officers, legal
31 address, and registered agent.

32 Organizations requesting grants must provide the hours of range
33 availability for public and law enforcement use. The fee structure
34 will be submitted with the grant application.

35 Any nonprofit organization or agency accepting a grant under this
36 program will be required to pay back the entire grant amount to the
37 firearms range account if the use of the range facility is discontinued
38 less than ten years after the grant is accepted.

1 Entities receiving grants must make the facilities for which grant
2 funding is received open for hunter safety education classes and
3 firearm safety classes on a regular basis for no fee.

4 Government units or school districts applying for grants must open
5 their range facility on a regular basis for hunter safety education
6 classes and firearm safety classes.

7 The interagency committee for outdoor recreation shall adopt rules
8 to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW.

--- END ---