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SENATE BILL 6515

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State of Washington

54th Legislature

1996 Regular Session

By Senators Roach and Rasmussen

Read first time 01/16/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to sport shooting ranges; and adding a new section  
2 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 action 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.

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