

2 SHB 1541 - S COMM AMD

3 By Committee on Law & Justice

4 ADOPTED 3/4/98

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that sport shooting
8 ranges in this state offer valuable hunter and firearm safety training,
9 legitimate and important forms of recreation to the general public, and
10 provide the opportunity for many law enforcement agencies to maintain
11 necessary firearms skills efficiently and at little or no cost. The
12 continued existence and viability of sport shooting ranges is impacted
13 by burdensome retroactive regulation and lawsuits, thereby potentially
14 threatening the availability of low-cost firearms training to some
15 local law enforcement agencies, as well as hunter and firearms safety
16 training and recreation to the general public.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.41 RCW
18 to read as follows:

19 (1)(a) Notwithstanding any other provision of law, a person who
20 operates or uses a sport shooting range in this state is not subject to
21 civil liability or criminal prosecution in a matter relating to noise
22 or noise pollution resulting from the operation or use of the range if
23 the range is in compliance with any noise control laws or ordinances
24 that applied to the range and its operation at the time of construction
25 or initial operation of the range.

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

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

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

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

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

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

26 (6) As used in this section:

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

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

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

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4 In line 1 of the title, after "ranges;" strike the remainder of the
5 title and insert "adding a new section to chapter 9.41 RCW; and
6 creating a new section."

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