

# HOUSE BILL REPORT

## SHB 1541

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### As Amended by the Senate

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

**Brief Description:** Protecting sport shooting ranges.

**Sponsors:** By House Committee on Law & Justice (originally sponsored by Representatives Sump, McMorris, Sheahan, Sheldon, Crouse, Sherstad, Honeyford, DeBolt, Koster, Chandler, Linville, Clements, Boldt, Sterk, Smith, Conway and Bush).

**Brief History:**

**Committee Activity:**

Law & Justice: 2/7/97, 2/25/97 [DPS].

**Floor Activity:**

Passed House: 3/11/97, 78-19;

Passed House: 1/21/98, 80-18.

Senate Amended.

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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 11 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Radcliff; Sherstad and Skinner.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Constantine, Assistant Ranking Minority Member; and Lantz.

**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 are owned 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 firearms 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 firearms 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 is in compliance with whatever noise control laws are in place when this act takes effect, 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.

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 a new or amended ordinance must be allowed to continue operation even if the range is out of conformance with the new ordinance or amendment.

Local governments are not prohibited from regulating the "location and construction" of ranges after the effective date of the act, and may also regulate range noise between 10 p.m. and 7 a.m.

**EFFECT OF SENATE AMENDMENT(S):** The Senate amendment removes the statement that the act does not affect the ability of local governments to regulate range noise levels between the hours of ten p.m. and seven a.m.

The amendment adds a requirement that a range must carry liability insurance coverage of at least \$250,000 per occurrence for personal and property damage. The amendment adds an emergency clause making the act take effect immediately, however, the insurance requirement does not take effect until January 1, 1999. The amendment also adds a Legislative findings section indicating the importance of sport shooting ranges and indicating the threat to ranges that is presented by regulations and lawsuits.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Ranges are essential for promoting safe shooting. Ranges are increasingly threatened by encroaching development. Ranges are protected by these kinds of laws in 18 other states. People who use ranges should assume the risks of shooting.

**Testimony Against:** The bill amounts to state preemption of local land use. There is no demonstrable problem. No ranges have been closed. The bill gives special treatment to one class of land owners. The common law adequately protects owners of ranges from liability.

**Testified:** Representative Sump, prime sponsor; John Wells, Range Operators Coalition of Washington (pro); James Williams Tacoma Sportsmen's Club and Pierce County Sportsmen's Council (pro); Delbert Gilbow, citizen (pro); Daniels McLean, Issaquah Sportsmen's Club and Renton Fish and Game Club (pro); Dan Brennan, Capitol City Rifle and Pistol Club (pro); Brian Judy, National Rifle Association (pro, with concerns); Kathy Gerke, Association of Washington Cities (con); Dick Dorsett, Pierce County (con); Yvonne Spies, citizen (con); and Larry Shannon, Washington State Trial Lawyers Association (con).