

FINAL BILL REPORT

SHB 1541

FULL VETO

Synopsis as Enacted

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).

House Committee on Law & Justice
Senate Committee on Law & Justice

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 legislation that restricted local government's ability to close firearms ranges. Under the 1994 legislation, 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: 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 the noise control laws that are in place when this act takes effect, then an operator or user of the range is immune from civil liability, criminal prosecution, and 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.

Beginning on January 1, 1999, ranges will be required to carry liability insurance coverage of at least \$250,000 per occurrence for personal and property damage.

Votes on Final Passage:

House 80 18
Senate 36 11 (Senate amended)
House (House refused to concur)
Senate 32 17 (Senate amended)
House 81 17 (House concurred)