1508-S AMH TAKK ADAM 089

**SHB 1508** - H AMD **978**

By Representative Takko

**WITHDRAWN 02/13/2012**

Strike everything after the enacting clause and insert the following:

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

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

(1)(a) Notwithstanding any other provision of law, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation on the date of construction or initial operation of the range, or on January 1, 1980, whichever date is later.

(b) A person who operates or uses a sport shooting range is not subject to an action for nuisance, and a court of the state shall not enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation on the date of construction or initial operation of the range, or on January 1, 1980, whichever date is later.

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

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

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

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

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

(6) As used in this section:

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

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

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

NEW SECTION. **Sec.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

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|  | EFFECT:   Strikes the provisions of the substitute bill, and reinserts the provisions contained in the original bill, with modifications regarding the date on which a sport shooting range must be in compliance with noise control laws in order to receive protection from civil liability and criminal prosecution. Provides that a range has immunity from civil liability and criminal prosecution based on noise/noise pollution if the range is in compliance with noise control laws in existence on the date of construction or initial operation of the range, or on January 1, 1980, whichever date is later.  Other provisions reinserted by the striking amendment include:  • State agency rules limiting noise levels in the outdoor atmosphere do not apply to such a range;  • Property owners adversely affected by the use of a range may not bring a nuisance action against the range if there has been no substantial change in the nature of the use of the range;  • A range that is in compliance with existing laws at the time of enactment of an ordinance must be allowed to continue operation even if the range does not conform to the new ordinance or an amendment to an existing ordinance; and  • Local governments are not prohibited from regulating the location and construction of ranges after the effective date of the act. |

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