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SENATE BILL 5468

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State of Washington

56th Legislature

1999 Regular Session

By Senators Roach, Rasmussen, Hargrove, T. Sheldon, Goings, Stevens, Oke and Long

Read first time 01/22/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to sport shooting ranges; adding a new section to  
2 chapter 9.41 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

16 (1)(a) Notwithstanding any other provision of law, a person who  
17 operates or uses a sport shooting range in this state is not subject to  
18 civil liability or criminal prosecution in a matter relating to noise

1 or noise pollution resulting from the operation or use of the range if  
2 the range is in compliance with any noise control laws or ordinances  
3 that applied to the range and its operation at the time of construction  
4 or initial operation of the range. However, nothing in this section  
5 affects the ability of a local government to regulate noise levels of  
6 a range between the hours of ten p.m. and six a.m.

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

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

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

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

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

38 (5) Except as otherwise provided in this section, this section does  
39 not prohibit a local government from regulating the location and

1 construction of a sport shooting range after the effective date of this  
2 act.

3 (6) As used in this section:

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

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

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

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