

SHB 1508 - H AMD **978**

By Representative Takko

WITHDRAWN 02/13/2012

1 Strike everything after the enacting clause and insert the
2 following:

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

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

17 (1)(a) Notwithstanding any other provision of law, a person who
18 operates or uses a sport shooting range in this state shall not be
19 subject to civil liability or criminal prosecution in any matter
20 relating to noise or noise pollution resulting from the operation or
21 use of the range if the range is in compliance with any noise control
22 laws or ordinances that applied to the range and its operation on the
23 date of construction or initial operation of the range, or on January
24 1, 1980, whichever date is later.

25 (b) A person who operates or uses a sport shooting range is not
26 subject to an action for nuisance, and a court of the state shall not
27 enjoin the use or operation of a range on the basis of noise or noise

1 pollution, if the range is in compliance with any noise control laws
2 or ordinances that applied to the range and its operation on the date
3 of construction or initial operation of the range, or on January 1,
4 1980, whichever date is later.

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

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

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

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

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

34 (6) As used in this section:

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

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

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

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8 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes
11 effect immediately."

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13 Correct the title.

14

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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