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**SUBSTITUTE HOUSE BILL 1541**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**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)

Read first time 02/27/97.

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

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW  
5 to read as follows:

6 (1)(a) Notwithstanding any other provision of law, a person who  
7 operates or uses a sport shooting range in this state shall not be  
8 subject to civil liability or criminal prosecution in any matter  
9 relating to noise or noise pollution resulting from the operation or  
10 use of the range if the range is in compliance with any noise control  
11 laws or ordinances that applied to the range and its operation on the  
12 effective date of this act. However, nothing in this section affects  
13 the ability of a local government to regulate noise levels of a range  
14 between the hours of ten p.m. and seven a.m.

15 (b) A person who operates or uses a sport shooting range is not  
16 subject to an action for nuisance, and a court of the state shall not  
17 enjoin the use or operation of a range on the basis of noise or noise  
18 pollution, if the range is in compliance with any noise control laws or

1 ordinances that applied to the range and its operation on the effective  
2 date of this act.

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

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

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

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

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

32 (6) As used in this section:

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

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

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

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