
SENATE BILL 5862

State of Washington

55th Legislature

1997 Regular Session

By Senators Roach, Hargrove, Johnson, Swecker, Loveland, Benton, Morton, Hochstatter, Rossi, Goings, Hale, Long, Rasmussen and Oke

Read first time 02/17/97. Referred to Committee on Law & Justice.

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.

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

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

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

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

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

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

1 (6) As used in this section:

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

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

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

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