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HOUSE BILL 1707

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State of Washington

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1999 Regular Session

By Representatives Campbell, Conway, Mielke, Carrell, Kastama, Lambert, Koster, McMorris, Dunshee, Kessler, Dunn, Schindler, Schoesler, Hurst, Bush, Sump, Miloscia, Alexander, Barlean, Cooper and Mulliken

Read first time 02/03/1999. Referred to Committee on Judiciary.

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

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

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

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

1 subject to civil liability or criminal prosecution in any matter  
2 relating to noise or noise pollution resulting from the operation or  
3 use of the range if the range is in compliance with any noise control  
4 laws or ordinances that applied to the range and its operation on the  
5 effective date of this act.

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

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

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

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

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

37 (5) The owner or operator of any sport shooting range shall have in  
38 place an insurance policy providing insurance for personal and property  
39 damage which occurs as a result of acts at the range, with liability

1 limits of at least two hundred fifty thousand dollars per occurrence.  
2 This subsection applies beginning January 1, 2000.

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

7 (7) As used in this section:

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

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

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

14 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately.

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