

SHB 1508 - H AMD 1078

By Representative Takko

ADOPTED 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.

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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 owns or operates a sport shooting range in this state shall not be
19 subject to civil liability or criminal prosecution for a violation of
20 a law or ordinance relating to noise or noise pollution resulting from
21 the operation or use of the range if the range is in compliance with
22 all state and local government noise control laws or ordinances that
23 applied to the range and its operation on the date of initial
24 operation of the range, or on January 1, 1980, whichever date is
25 later.

26 (b) A sport shooting range must be classified as a conforming use
27 if it operates in compliance with all state and local government noise

1 control laws or ordinances that were applicable to the range and its
2 operation on the date of initial operation of the range, or on January
3 1, 1980, whichever date is later.

4 (2) (a) A person who owns or operates a sport shooting range is
5 not subject to an action for nuisance on the basis of noise or noise
6 pollution, and a court of the state shall not enjoin the use or
7 operation of a range on the basis of noise or noise pollution, if: (a)
8 the range is in compliance with all state or local government noise
9 control laws or ordinances that applied to the range and its operation
10 on the date of initial operation of the range, or on January 1, 1980,
11 whichever date is later; and (b) there has not been a substantial
12 change in the nature of the use or operation of the range since the
13 plaintiff acquired title to the property that is adversely affected by
14 the use or operation of the range.

15 (b) This subsection does not prohibit or affect actions for
16 negligence or recklessness in the operation of the range or by a
17 person using the range.

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

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

30 (5) As used in this section:

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

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

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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 activities."

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5 Correct the title.

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EFFECT: Strikes the provisions of the substitute bill, which provided sport shooting ranges with an affirmative defense to a nuisance action based on noise that the use of the range has not substantially changed since the plaintiff "came to the nuisance."

Establishes the following protections for sport shooting ranges that operate in compliance with state and local noise control laws or ordinances that applied to the range on the later of the date of initial operation of the range, or January 1, 1980:

- Immunity from any civil or criminal liability for a violation of a noise control law or ordinance; and
- Immunity from nuisance actions based on noise or noise pollution if the nature of the use of the range has not substantially changed since the date the plaintiff acquired title to the property adversely affected by the use of the range. This provision does not affect negligence actions based on the operation of the range or a person's use of the range.

Provides that a range must be classified as a conforming use if it operates in compliance with noise control laws or ordinances that applied to the range on the later of the date of initial operation of the range, or January 1, 1980.

States that a person who participates in sport shooting at a range accepts the obvious risks of the sport, and provides examples of those risks.

Provides that a local government is not prohibited from regulating the location and construction of a sport shooting range after the effective date of the act.

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