

1 HB466
2 182486-1
3 By Representative South
4 RFD: State Government
5 First Read: 06-APR-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, civil and criminal
9 immunity is provided to sport shooting range
10 operators and patrons that operate or use a sport
11 shooting range in any matter relating to noise or
12 lead pollution when the range is operated during
13 certain hours and in compliance with applicable
14 laws and regulations.

15 This bill would clarify the extent of
16 immunity from civil and criminal liability and
17 nuisance actions extended to sport shooting range
18 operators and patrons under this section and would
19 include compliance with recommended or required
20 lead control laws or regulations as a prerequisite
21 to extending immunity to operators or patrons of
22 sport shooting ranges that commenced operations on
23 or after August 1, 2001.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

To amend Section 6-5-341, Code of Alabama 1975, relating to immunity from civil or criminal liability and nuisance actions in any matter relating to noise or lead pollution as a result of the operation or use of a sports shooting range; to clarify the immunity afforded; and to include compliance with recommended or required lead control laws or regulations as a prerequisite to extending immunity to operators or patrons of sport shooting ranges that commenced operations after a certain date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-5-341 of the Code of Alabama 1975 is amended to read as follows:

"§6-5-341.

"(a) As used in this section, the following words shall have the following meanings:

"(1) GOVERNMENTAL BODY. The State of Alabama or any county or municipal governing body, agency, board, commission, committee, council, department, district, or any other public body corporate and politic created by constitution, statute, ordinance, rule, or order.

"(2) PROPERTY. Real property and buildings, structures, and improvements thereon.

"(3) SPORT SHOOTING RANGE. An area designed and used for rifle shooting, pistol shooting, trapshooting, skeetshooting, or other target shooting and related training

1 or practice for the purpose of sharpshooting or improving in
2 the use of firearms.

3 "(b) (1) This section applies to all private or
4 public civil, injunctive, and nuisance actions.

5 "(2) Notwithstanding any other provision of law, any
6 person, firm, or entity who operates or uses a sport shooting
7 range in this state shall not be subject to civil liability or
8 criminal prosecution resulting from the operation or use of
9 the range in any matter relating to noise ~~pollution~~ or lead
10 ~~pollution resulting from the operation or use of the range if~~
11 ~~the range is being operated between the hours of 9:00 a.m. and~~
12 ~~9:00 p.m. and, if:~~

13 "a. the range is operated between the hours of 9:00
14 a.m. and 9:00 p.m.; and

15 "b.1. the range has been in existence prior to 1990;
16 or

17 "2. the range is in compliance with any noise or
18 lead control laws or ordinances that applied to the sport
19 shooting range and its operation ~~on August 1, 2001, or at the~~
20 ~~time the sport shooting range came into existence, whichever~~
21 ~~event occurs first.~~ For any sport shooting range that came
22 into existence after August 1, 2001, compliance with
23 recommended or required lead control laws or regulations
24 include the development, documentation, and compliance with a
25 lead remediation and control plan that is designed to prevent
26 the delivery, movement, or migration of lead particles or

1 contaminant onto neighboring lands and bodies of water or into
2 the water tables beneath the sport shooting range.

3 "(3) Any person, firm, or entity who operates or
4 uses a sport shooting range is not subject to an action for
5 nuisance and is not subject to injunction to stop the use or
6 operation of the shooting range on the basis of noise or noise
7 pollution or lead or lead pollution if:

8 "a. the range is being operated between the hours of
9 9:00 a.m. and 9:00 p.m.; and

10 "b.1. ~~if~~ the range has been in existence prior to
11 1990; or

12 "2. the range is in compliance with any noise
13 ~~control~~ or lead control laws or ordinances applying to the
14 sport shooting range and its operation ~~on August 1, 2001, or~~
15 at the time the sport shooting range came into existence,
16 ~~whichever event occurs first.~~ For any sport shooting range
17 that came into existence after August 1, 2001, compliance with
18 recommended or required lead control laws or regulations
19 include the development, documentation, and compliance with a
20 lead remediation and control plan that is designed to prevent
21 the delivery, movement, or migration of lead particles or
22 contaminant onto neighboring lands and bodies of water or into
23 the water tables beneath the sport shooting range.

24 "(4) Except as expressly provided herein, nothing in
25 this section nor the common law doctrine of attractive
26 nuisance shall create any duty of care or grounds for

1 liability toward any person using the property of another for
2 a sport shooting range.

3 "(c) No public street or alley shall be opened
4 through a tract of property used or occupied as a sport
5 shooting range, unless the necessity of the street or alley is
6 first established by verdict of a jury upon a showing of
7 extreme need and impossibility of redirecting or rerouting the
8 street or alley to accommodate the sport shooting range.

9 "(d) Rules or regulations adopted by any
10 governmental body limiting levels of noise in terms of decibel
11 level which may occur in the atmosphere shall not apply to a
12 sport shooting range exempted from liability under this
13 section.

14 "(e) Rules or regulations adopted by any
15 governmental body limiting levels of lead occurring in the
16 atmosphere shall not apply to a sport shooting range exempted
17 from liability under this section."

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.