

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1012

Short Title: Shooting Range Protection.

(Public)

Sponsors: Representatives Sexton; Baker, Berry, Brawley, Brown, Cansler, Carpenter, Clary, Decker, Eddins, Gulley, Hall, Hardy, Hiatt, Kiser, McComas, McMahan, Morris, Nichols, Owens, Rayfield, Reynolds, Sherrill, Starnes, and Thompson.

Referred to: Judiciary I.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT SPORT SHOOTING RANGES AND THEIR OWNERS,
3 OPERATORS, AND USERS FROM PUNITIVE RESTRICTIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 14 of the General Statutes is amended by adding a new
6 Article to read:

7 **“ARTICLE 53C.**

8 **“SPORT SHOOTING RANGE PROTECTION ACT OF 1997.**

9 **“§ 14-409.45. Definitions.**

10 The following definitions apply in this Article:

11 (1) Person. – An individual, proprietorship, partnership, corporation, club,
12 or other legal entity.

13 (2) Sport shooting range or range. – An area designed and operated for the
14 use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or
15 any other similar sport shooting.

16 **“§ 14-409.46. Sport shooting range protection.**

17 (a) Notwithstanding any other provision of law, a person who owns, operates, or
18 uses a sport shooting range in this State shall not be subject to civil liability or criminal

1 prosecution in any matter relating to noise or noise pollution resulting from the operation
2 or use of the range if 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 or initial operation
4 of the range.

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

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

13 (d) A person who acquires title to or who owns real property adversely affected by
14 the use of property with a permanently located and improved sport shooting range shall
15 not maintain a nuisance action against the person who owns the range to restrain, enjoin,
16 or impede the use of the range. This section does not prohibit actions for negligence or
17 recklessness in the operation of the range or by a person using the range.

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

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

28 **"§ 14-409.47. Application of Article.**

29 Except as otherwise provided in this Article, this Article does not prohibit a local
30 government from regulating the location and construction of a sport shooting range after
31 the effective date of this Article."

32 Section 2. This act is effect when it becomes law.