

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4 By: Senator Hunter

# A Bill

ACT 602 OF 1997  
SENATE BILL 6

## For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT OWNERS, OPERATORS, AND USERS OF  
9 SPORT SHOOTING RANGES SHALL NOT BE LIABLE FOR NOISE  
10 POLLUTION IF THE RANGE COMPLIED WITH LOCAL ORDINANCES AT  
11 THE TIME THEY WERE ESTABLISHED; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO PROVIDE THAT OWNERS, OPERATORS, AND  
15 USERS OF SPORT SHOOTING RANGES SHALL NOT  
16 BE LIABLE FOR NOISE POLLUTION IF THE  
17 RANGE COMPLIED WITH LOCAL ORDINANCES AT  
18 THE TIME THEY WERE ESTABLISHED."

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. As used in this act:

23 (a) "Local unit of government" means a county, 1st class city, 2nd  
24 class city or incorporated town;

25 (b) "Person" means an individual, proprietorship, partnership,  
26 corporation, association, or other legal entity;

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

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31 SECTION 2. (a) Notwithstanding any other provision of law to the  
32 contrary, a person who operates or uses a sport shooting range in this state  
33 shall not be subject to civil liability or criminal prosecution for noise or  
34 noise pollution resulting from the operation or use of the range if the range  
35 is in compliance with noise control ordinances of local units of government,  
36 that applied to the range and its operation at the time the range was

1 constructed and began operation.

2 (b) A person who operates or uses a sport shooting range is not subject  
3 to an action for nuisance, and no court of the state may enjoin the use or  
4 operation of a range on the basis of noise or noise pollution, if the range is  
5 in compliance with noise control ordinances of units of local government, that  
6 applied to the range and its operation at the time the range was constructed  
7 and began operation.

8 (c) A person who subsequently acquires title to or who owns real  
9 property adversely affected by the use of property with a permanently located  
10 sport shooting range shall not maintain a nuisance action against the person  
11 who owns the range to restrain, enjoin or impede the use of the range unless  
12 there has been a substantial change in the nature of the use of the range or  
13 by a person using the range.

14 (d) Rules or regulations adopted by any state agency for establishing  
15 levels of noise allowable in the outdoor atmosphere shall not apply to a sport  
16 shooting range exempted from liability under this act.

17 (e) Notwithstanding any other provision of law to the contrary, nothing  
18 in this act shall be construed to limit civil liability except in the limited  
19 case of noise pollution.

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21 SECTION 3. This act does not affect rights or duties that matured,  
22 liabilities or penalties that were incurred, or proceedings begun before its  
23 effective date.

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25 SECTION 4. All provisions of this act of a general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 5. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.

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35 SECTION 6. All laws and parts of laws in conflict with this act are  
36 hereby repealed.

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APPROVED: 3-18-97