

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2066

4
5 By: Representative Joe Hudson

For An Act To Be Entitled

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

Subtitle

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23 SECTION 1. As used in this act:

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

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

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

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

1 that applied to the range and its operation at the time the range was
 2 constructed and began operation.

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

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

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

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

21

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

25

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

29

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

35

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

1 hereby repealed.

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

27

28

29

30

31

32

33

34

35