

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

A Bill

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."

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

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.

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.

20

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.

24

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.

28

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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