

## SB0107S02 compared with SB0107S01

~~text~~ shows text that was in SB0107S01 but was deleted in SB0107S02.

text shows text that was not in SB0107S01 but was inserted into SB0107S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Allen M. Christensen proposes the following substitute bill:

### **PUBLIC SHOOTING RANGES**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: \_\_\_\_\_

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#### **LONG TITLE**

##### **General Description:**

This bill ensures public access to ~~a~~ public shooting ~~range~~ranges under certain conditions.

##### **Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ grants the public access to use ~~a~~certain public shooting ~~range~~ranges;
- ▶ permits a fee to be charged for the public to use a public shooting range;
- ▶ describes when a public shooting range can be restricted from public use; and
- ▶ makes technical changes.

##### **Money Appropriated in this Bill:**

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

#### ENACTS:

**47-3-101**, Utah Code Annotated 1953

**47-3-301**, Utah Code Annotated 1953

**47-3-302**, Utah Code Annotated 1953

**47-3-303**, Utah Code Annotated 1953

**47-3-304**, Utah Code Annotated 1953

**47-3-305**, Utah Code Annotated 1953

#### RENUMBERS AND AMENDS:

**47-3-102**, (Renumbered from 47-3-1, as enacted by Laws of Utah 1998, Chapter 286)

**47-3-201**, (Renumbered from 47-3-2, as enacted by Laws of Utah 1998, Chapter 286)

**47-3-202**, (Renumbered from 47-3-3, as enacted by Laws of Utah 1998, Chapter 286)

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **47-3-101** is enacted to read:

### CHAPTER 3. SHOOTING RANGES

#### Part 1. General Provisions

#### **47-3-101**. Title.

This chapter is known as "Shooting Ranges."

Section 2. Section **47-3-102**, which is renumbered from Section 47-3-1 is renumbered and amended to read:

#### ~~[47-3-1]~~. **47-3-102**. Definitions.

As used in this chapter<sup>[5]</sup>:

(1) "Air gun" means a .177 or .20 caliber, or equivalent 4.5mm or 5.0mm, rifle or pistol whose projectile is pneumatically propelled by compressed air or compressed gas such as carbon dioxide.

(~~1~~2) "Certified official" means a Range Safety Officer, Firearms Instructor, or Shooting Coach certified by the National Rifle Association or equivalent national shooting organization.

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~~(2)3~~ "Group" means any organized club, organization, corporation or association which at the time of use of the shooting range has a certified official in charge while shooting is taking place and while the range is open.

~~(3)4~~ "Military range" means a shooting range located on a state military installation.

~~(4)5~~ "Nonmilitary range" means a shooting range that is not a military range.

~~(5)6~~ "Political subdivision" has the same meaning as defined in section 17B-2-101 and includes a school district.

~~(6)7~~ "Public funds" means funds provided by the federal government, the state, or a political subdivision of the state.

~~(7)8~~ "Shooting range" or "range" means an area designed and continuously operated under nationally recognized standards and operating practices for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar shooting activities.

Section 3. Section **47-3-201**, which is renumbered from Section 47-3-2 is renumbered and amended to read:

### **Part 2. Risk and Nuisance**

~~[47-3-2].~~      **47-3-201. Assumption of risk.**

[Each] A person who participates in shooting at a shooting range or a public shooting range accepts the associated risks to the extent the risks are obvious and inherent. Those risks include injuries that may result from noise, discharge of projectile or shot, malfunction of shooting equipment not owned by the shooting range or public shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris.

Section 4. Section **47-3-202**, which is renumbered from Section 47-3-3 is renumbered and amended to read:

~~[47-3-3].~~      **47-3-202. When nuisance action permitted.**

(1) [Each] A state agency or political subdivision shall ensure that any of its rules or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any shooting range or public shooting range that was established, constructed, or operated prior to the implementation of the rule or ordinance regarding public nuisance unless that activity or operation substantially and adversely affects public health or safety.

(2) A person who operates or uses a shooting range or a public shooting range in this

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state is not subject to civil liability or criminal prosecution for noise or noise pollution resulting from the operation or use of the range if:

(a) the range:

(i) was established, constructed, or operated prior to the implementation of any noise ordinances, rules, or regulations; and

(ii) does not substantially and adversely affect public health or safety; or

(b) the range:

(i) is in compliance with any noise control laws, ordinances, rules, or regulations that applied to the range or public shooting range and its operation at the time of establishment, construction, or initial operation of the range; and

(ii) does not substantially and adversely affect public health or safety.

(3) For [the] purposes of this section, noise generated by a shooting range or public shooting range that is operated in accordance with nationally recognized standards and operating practices is not a public health nuisance.

(4) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range or public shooting range that was established, constructed, or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:

"Shooting Range Area

This property is located in the vicinity of an established shooting range or public shooting range. It can be anticipated that customary uses and activities at this shooting range or public shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience [~~which~~] that may result from these uses and activities."

Section 5. Section **47-3-301** is enacted to read:

### **Part 3. Public Shooting Ranges**

#### **47-3-301. Access to publicly funded ranges.**

A shooting range, whether indoor or outdoor, constructed with public funds and operated or controlled by the state, an institution of higher education, or a political subdivision, shall, **unless specifically exempted in Section 47-3-305,** be made available as provided in this section for use by any group.

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Section 6. Section 47-3-302 is enacted to read:

### **47-3-302. Use and availability.**

(1) Use of a shooting range by a group may not interfere with the use of the range by the state agency, military, institution of higher education, or political subdivision for whom the range was constructed.

(2) Outdoor shooting ranges shall be available on weekends and holidays, provided they are not being used for shooting and training purposes by the owner or operator of the range.

(3) Each group that uses a shooting range owned or operated by a state agency, institution of higher education, or political subdivision shall provide a certified official to oversee their shooting activities while on the range. If the group does not have a certified official that is currently available, the owner or operator of the shooting range may provide one and charge a fee for that certified official's time.

(4) A group using a public shooting range may not have anyone with the group who is prohibited from possessing a firearm.

(5) Each group shall provide documentation of current and applicable liability insurance or waivers of liability to cover each state agency, institution of higher education, or a political subdivision, for each person shooting on or controlling the shooting range.

(6) Shooting range operations shall be in accordance with safety standards adopted by the National Rifle Association or equivalent national shooting organization.

(7) Staff from the owner or operator of the shooting range is not required to be present unless there is no certified official present with the group.

(8) The certified official in charge at the applicable time shall be responsible for opening and securely closing the shooting range.

Section 7. Section 47-3-303 is enacted to read:

### **47-3-303. Rulemaking.**

(1) The State Armory Board ~~f and~~, any state agency, or institution of higher education ~~f, or political subdivision~~ that operates or has control of a shooting range shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement procedures for use of the range by the public.

(2) The rules shall include provisions requiring indoor shooting ranges to be available

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on a reservation basis, for firearms not exceeding the range design criteria:

(a) at least twice per week;

(b) after 4 p.m. on work or school days, or after students and faculty are excused or dismissed on the work or school day; and

(c) between 8 a.m. and 10 p.m. on weekends.

Section 8. Section **47-3-304** is enacted to read:

### **47-3-304. Fees.**

(1) Reasonable fees for the use of a shooting range to cover the incidental material and supply costs incurred by making the range available to a group, may be established by:

(a) the State Armory Board established under Title 39, Chapter 2, State Armory Board, for a military range; and

(b) for a nonmilitary range, the state agency, institution of higher education, or political subdivision that operates or has control of the range.

(2) Fees for nonmilitary shooting range use may not exceed fees charged by the Department of Natural Resources for the same or similar activity.

(3) Fees collected under Subsection (1) shall be:

(a) for a shooting range operated or controlled by a state agency or an institution of higher education, deposited in the General Fund as dedicated credits to be used for the operation and maintenance of the range; and

(b) for a shooting range operated or controlled by a political subdivision, deposited in the political subdivision's general fund.

Section 9. Section **47-3-305** is enacted to read:

### **47-3-305. Exceptions and prohibitions.**

(1) This part does not apply to:

(a) shooting ranges that are:

~~— (a) otherwise open to the public;~~

~~(b) staffed by or through the owner or operator of the range; and~~

~~— (c) shooting ranges that are operated as a public shooting range staffed by and operated by the Division of Wildlife Resources;~~

~~(2) This section does not apply to the "shoot house" portion of a shooting range that is a law-enforcement or a military range.~~

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~~(3)c~~ the Utah National Guard ranges located at Camp Williams and the Salt Lake International Airport;

(d) the Department of Corrections Fred M. House range;

(e) the Peace Officer Standards and Training indoor tactical firing range on the Salt Lake Community College Miller Campus; and

(f) ranges owned and operated by municipal public safety agencies if they are available for use by the agencies on a continuous 24 hour basis.

(2) Firearms may not be allowed in a school building, except under the ~~provisions~~ provision of Section 76-10-505.5, unless there is an outdoor entrance to the shooting range and the most direct access to the range is used. An outdoor entrance to a shooting range may not be blocked by fences, structures or gates for the purpose of blocking the outdoor entrance.

(3) Only air guns may be used in public ranges where the ventilation systems do not meet current OSHA standards as applied to the duration of exposure of the participants. For the purposes of this part, an air gun does not include larger caliber pneumatic weapons, paintball guns, or air shotguns.

(4) Group range use is a lawful, approved activity under Subsection 76-10-505.5(4)(a).