



1995 ASSEMBLY BILL 527

August 28, 1995 - Introduced by Representatives JOHNSRUD, HOVEN, FREESE, SERATTI, KREIBICH, LEHMAN, HUEBSCH, WARD, JENSEN, ZUKOWSKI, PLOMBON, BAUMGART, GOETSCH, HANDRICK, MUSSER, OURADA, OTT, KAUFERT, SKINDRUD, BOYLE, F. LASEE and MEYER, cosponsored by Senators RUDE, SCHULTZ and ZIEN. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 895.52 (1) (g); and **to create** 895.527 of the statutes; **relating**
2 **to:** Sport shooting range responsibilities and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the department of natural resources (DNR) to promulgate rules establishing generally accepted operation practices for the design and operation of sport shooting ranges. The bill provides that sport shooting range operators and owners that comply with the rules established by DNR are immune from civil and criminal liability related to noise pollution and are not subject to an action for nuisance related to noise if the operator or owner of the range complies in good faith with noise control laws or ordinances that were in effect at the time that the range was constructed or initially operated. The bill also provides that users of sport shooting ranges accept the risks associated with those ranges.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 895.52 (1) (g) of the statutes is amended to read:
4 895.52 (1) (g) "Recreational activity" means any outdoor activity undertaken
5 for the purpose of exercise, relaxation or pleasure, including practice or instruction
6 in any such activity. "Recreational activity" includes, but is not limited to, hunting,
7 fishing, trapping, camping, picnicking, exploring caves, nature study, bicycling,

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1 horseback riding, bird-watching, motorcycling, operating an all-terrain vehicle,
2 ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,
3 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or
4 removing wood, climbing observation towers, animal training, harvesting the
5 products of nature and any other outdoor sport, game or educational activity, ~~but~~
6 “Recreational activity” does not include any organized team sport activity sponsored
7 by the owner of the property on which the activity takes place or any activity engaged
8 in at a sport shooting range, as defined in s. 895.527 (1).

9 **SECTION 2.** 895.527 of the statutes is created to read:

10 **895.527 Sport shooting range activities. (1)** In this section, “ sport
11 shooting range” means an area designed and operated for the practice of weapons
12 used in hunting, skeet shooting and similar sport shooting.

13 (2) The department of natural resources shall promulgate rules establishing
14 generally accepted operation practices for the design and operation of sport shooting
15 ranges. The department of natural resources shall consider practices for the design
16 and operation of sport shooting ranges developed by nationally recognized,
17 nonprofit, membership organizations that provide firearm safety programs when
18 developing proposed rules under this subsection. Not more than 5 years after the
19 effective date of this subsection [revisor inserts date], and every 5 years thereafter,
20 the department shall review, and revise if necessary, the rules promulgated under
21 this subsection.

22 (3) A person who owns or operates a sport shooting range that conforms to the
23 rules promulgated under sub. (2) is immune from civil or criminal liability related
24 to noise pollution resulting from the operation of the sport shooting range if the
25 owner or operator of the sport shooting range complies in good faith with any noise

1 control laws or ordinances that applied to the sport shooting range at the time of
2 construction or initial operation of the sport shooting range.

3 (4) A person who owns, operates or uses a sport shooting range in a manner
4 that is in compliance with the rules promulgated under sub. (2) is not subject to an
5 action for nuisance related to noise. No court may enjoin or restrain the operation
6 or use of a sport shooting range on the basis of noise pollution if the owner, operator
7 or user of a sport shooting range that is in compliance with the rules promulgated
8 under sub. (2) complies in good faith with any noise control laws that applied to the
9 sport shooting range at the time of construction or initial operation of the sport
10 shooting range.

11 (5) Any person who participates in activities at a sport shooting range that is
12 in compliance with the rules established under sub. (2) accepts the risks associated
13 with sport shooting ranges to the extent that those risks are obvious and inherent.
14 Those risks include injuries that may result from noise, discharge of a projectile,
15 malfunction of equipment or of a weapon not owned by the sport shooting range,
16 natural variations in terrain, snow or ice conditions or other natural conditions.

17 (6) Any rule promulgated by a state agency that limits the decibel level in an
18 area does not apply to a sport shooting range that is in compliance with the rules
19 promulgated under sub. (2).

20 (END)