

2013 DRAFTING REQUEST

Bill

Received: 1/23/2014 Received By: rnelson
 Wanted: As time permits Same as LRB: -2486
 For: Scott Fitzgerald (608) 266-5660 By/Representing:
 May Contact: Drafter: rnelson
 Subject: Courts - immunity liability Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Fitzgerald@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Sport shooting range immunity and nuisance action restrictions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rnelson 1/23/2014	scalvin 1/23/2014	jmurphy 1/23/2014	_____	sbasford 1/23/2014	srose 1/27/2014	

FE Sent For:

<END>

A handwritten note in a circle that says "NOT NEEDED". The word "NEEDED" has a large 'X' over it.

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/1	rnelson	/1 SAC 01/23/2014	/1 SAC 01/23/2014	<u> </u> Jan 01/23			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

In 1/23 soon Comparison RTR



4088/1

LRB-2486/2

RPN:sac:rs

in stays

soon

no changes

2013 BILL

gen cat

1 AN ACT to amend 895.527 (3) and 895.527 (4); and to create 895.527 (8), 895.527
2 (9) and 895.527 (10) of the statutes; relating to: liability and immunity of sport
3 shooting ranges.

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or operates an area designed and operated for the use and discharge of firearms (sport shooting range) is immune from civil liability relating to noise and is not subject to an action for nuisance or to zoning conditions related to noise. Current law also provides that if a sport shooting range lawfully existed on July 16, 2013, it may continue to operate as a sport shooting range at that location even if certain zoning ordinances or laws regulating the discharge of firearms would otherwise prohibit the operation of the sport shooting range.

Under this bill, a sport shooting range is not subject to any state or local zoning conditions or rules related to noise or to nonconforming use. The bill expands those zoning laws that do not apply to sport shooting ranges to include zoning laws related to shorelands on navigable waters. The bill also provides the owner or operator of a sports shooting range, and their agents, contractors, customers, lenders, and insurers immunity from civil liability in any action by the state or its political subdivisions or by a special purpose district related to the use, release, placement, or accumulation of any projectiles on or under the sport shooting range or other contiguous real property that the owner or operator has the legal right to use.

The bill provides immunity from civil action to the owner, operator, officer, or board member of a sport shooting range, and to any employee or volunteer acting on

BILL

behalf of the owner or operator, for any negligent action of a user of the sport shooting range and to any person who provides a firearms training course in good faith at a sports shooting range if the course is approved by a national or state organization.

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

1 **SECTION 1.** 895.527 (3) of the statutes is amended to read:

2 895.527 (3) A person who owns or operates a sport shooting range is not subject
3 to an action for nuisance or to any state or local zoning conditions or rules, including
4 those related to noise or nonconforming use, and no court may enjoin or restrain the
5 operation or use of a sport shooting range on the basis of noise, non-conforming use,
6 or any other state or local zoning condition or rule.

7 **SECTION 2.** 895.527 (4) of the statutes, as affected by 2013 Wisconsin Act 35,
8 is amended to read:

9 895.527 (4) Any sport shooting range that exists on July 16, 2013, may continue
10 to operate as a sport shooting range at that location notwithstanding any zoning
11 ordinance enacted under s. 59.69, 59.692, 60.61, 60.62, 61.35 or 62.23 (7), if the sport
12 shooting range is a lawful use or a legal nonconforming use under any zoning
13 ordinance enacted under s. 59.69, 59.692, 60.61, 60.62, 61.35 or 62.23 (7) that is in
14 effect on July 16, 2013. The operation of the sport shooting range continues to be a
15 lawful use or legal nonconforming use notwithstanding any expansion of, or
16 enhancement or improvement to, the sport shooting range.

17 **SECTION 3.** 895.527 (8) of the statutes is created to read:

18 895.527 (8) An owner or operator of a sport shooting range, or an employee,
19 agent, contractor, customer, lender, or insurer of the owner or operator of a sport
20 shooting range, and any user of a sport shooting range is immune from civil liability

BILL

1 in any action commenced by the state or its political subdivisions, or by a special
2 purpose district, related to the use, release, placement, deposition, or accumulation
3 of any projectiles on or under the sport shooting range or other contiguous real
4 property over which the owner or operator of a sport shooting range has an easement,
5 leasehold, or other legal right to use.

6 **SECTION 4.** 895.527 (9) of the statutes is created to read:

7 895.527 (9) (a) An owner, operator, officer, or board member of a sport shooting
8 range, and any employee or volunteer acting on behalf of the owner or operator who
9 provided recommendations regarding the operation of a sport shooting range, are
10 immune from any civil action based solely on the negligent action of a user of the
11 sport shooting range.

12 (b) Any person who provides a firearms training course in good faith at a sport
13 shooting range is immune from civil liability for any act or omission related to the
14 firearms training course if the course is approved by a national or state organization.

15 **SECTION 5.** 895.527 (10) of the statutes is created to read:

16 895.527 (10) This section does not impair or diminish the private property
17 rights of owners of property adjoining a sport shooting range.

18

(END)

Rose, Stefanie

From: Romportl, Dan
Sent: Monday, January 27, 2014 9:09 AM
To: LRB.Legal
Subject: Draft Review: LRB -4088/1 Topic: Sport shooting range immunity and nuisance action restrictions

Please Jacket LRB -4088/1 for the SENATE.