



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 308**

January 28, 1998 – Offered by COMMITTEE ON NATURAL RESOURCES.

1 **AN ACT** *to amend* 895.52 (1) (g) and 895.525 (2); and *to create* 895.527 of the
2 statutes; **relating to:** sport shooting range immunity and responsibilities.

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,
8 horseback riding, bird-watching, motorcycling, operating an all-terrain vehicle,
9 ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,
10 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or
11 removing wood, climbing observation towers, animal training, harvesting the

1 products of nature, shooting and any other outdoor sport, game or educational
2 activity, ~~but~~. “Recreational activity” does not include any organized team sport
3 activity sponsored by the owner of the property on which the activity takes place.

4 **SECTION 2.** 895.525 (2) of the statutes is amended to read:

5 895.525 (2) DEFINITION. In this section, “recreational activity” means any
6 activity undertaken for the purpose of exercise, relaxation or pleasure, including
7 practice or instruction in any such activity. “Recreational activity” includes, ~~but is~~
8 ~~not limited to~~, hunting, fishing, trapping, camping, bowling, billiards, picnicking,
9 exploring caves, nature study, dancing, bicycling, horseback riding,
10 horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle,
11 ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding,
12 sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight
13 and fitness training, sight-seeing, rock-climbing, cutting or removing wood,
14 climbing observation towers, animal training, harvesting the products of nature,
15 shooting and any other sport, game or educational activity.

16 **SECTION 3.** 895.527 of the statutes is created to read:

17 **895.527 Sport shooting range activities. (1)** In this section, “sport shooting
18 range” means an area designed and operated for the use and discharge of firearms.

19 **(2)** A person who owns or operates a sport shooting range is immune from civil
20 liability related to noise resulting from the operation of the sport shooting range if
21 one of the following applies:

22 (a) If no statute, rule or ordinance related to noise control applied at the time
23 of construction or initial operation of the sport shooting range, the owner or operator
24 of the sport shooting range complies in good faith with any statute, rule or ordinance
25 related to noise control adopted after the effective date of this paragraph [revisor

1 inserts date], that applies to the sport shooting range at the time of expansion of
2 shooting activities or facilities of the sport shooting range.

3 (b) If any statute, rule or ordinance related to noise control applied at the time
4 of construction or initial operation of the sport shooting range, the owner or operator
5 of the sport shooting range complies in good faith with that statute, rule or ordinance
6 and with any statute, rule or ordinance related to noise control adopted after the
7 effective date of this paragraph [revisor inserts date], that applies to the sport
8 shooting range at the time of expansion of shooting activities or facilities of the sport
9 shooting range.

10 **(3)** A person who owns or operates a sport shooting range is not subject to an
11 action for nuisance related to noise and no court may enjoin or restrain the operation
12 or use of a sport shooting range on the basis of noise if one of the following applies:

13 (a) If no statute, rule or ordinance related to noise control applied at the time
14 of construction or initial operation of the sport shooting range, the owner or operator
15 of the sport shooting range complies in good faith with any statute, rule or ordinance
16 related to noise control adopted after the effective date of this paragraph [revisor
17 inserts date], that applies to the sport shooting range at the time of expansion of
18 shooting activities or facilities of the sport shooting range.

19 (b) If any statute, rule or ordinance related to noise control applied at the time
20 of construction or initial operation of the sport shooting range, the owner or operator
21 of the sport shooting range complies in good faith with that statute, rule or ordinance
22 and with any statute, rule or ordinance related to noise control adopted after the
23 effective date of this paragraph [revisor inserts date], that applies to the sport
24 shooting range at the time of expansion of shooting activities or facilities of the sport
25 shooting range.

