

PUBLIC SHOOTING RANGES

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Curtis Oda

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ grants the public access to use certain public shooting 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

Other Special Clauses:

This bill provides an immediate effective date.

This bill provides revisor instructions.

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

30 RENUMBERS AND AMENDS:

31 **47-3-102**, (Renumbered from 47-3-1, as enacted by Laws of Utah 1998, Chapter 286)

32 **47-3-201**, (Renumbered from 47-3-2, as enacted by Laws of Utah 1998, Chapter 286)

33 **47-3-202**, (Renumbered from 47-3-3, as enacted by Laws of Utah 1998, Chapter 286)



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

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

37 **CHAPTER 3. SHOOTING RANGES**

38 **Part 1. General Provisions**

39 **47-3-101. Title.**

40 This chapter is known as "Shooting Ranges."

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

43 ~~[47-3-1].~~ **47-3-102. Definitions.**

44 As used in this chapter[;]:

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

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

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

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

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

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

57 (7) "Public funds" means funds provided by the federal government, the state, or a

58 political subdivision of the state.

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

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

64 **Part 2. Risk and Nuisance**

65 **[47-3-2]. 47-3-201. Assumption of risk.**

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

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

74 **[47-3-3]. 47-3-202. When nuisance action permitted.**

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

80 (2) A person who operates or uses a shooting range or a public shooting range in this
81 state is not subject to civil liability or criminal prosecution for noise or noise pollution resulting
82 from the operation or use of the range if:

83 (a) the range:

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

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

87 (b) the range:

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

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

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

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

99 "Shooting Range Area

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

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

106 **Part 3. Public Shooting Ranges**

107 **47-3-301. Access to publicly funded ranges.**

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

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

113 **47-3-302. Use and availability.**

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

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

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

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

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

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

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

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

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

137 **47-3-303. Rulemaking.**

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

142 (2) The rules shall include provisions requiring indoor shooting ranges to be available
143 on a reservation basis, for firearms not exceeding the range design criteria:

144 (a) at least twice per week;

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

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

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

149 **47-3-304. Fees.**

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

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

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

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

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

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

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

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

165 **47-3-305. Exceptions and prohibitions.**

166 (1) This part does not apply to:

167 (a) shooting ranges that are otherwise open to the public;

168 (b) shooting ranges that are operated as a public shooting range staffed by and operated
169 by Division of Wildlife Resources;

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

172 (d) ranges owned, operated, or currently leased as of the effective date of this
173 amendment by a state or local public safety agency.

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

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

182 (4) Group range use is a lawful, approved activity under Subsection 76-10-505.5(4)(a).
183 **Section 10. Effective date.**

184 If approved by two-thirds of all the members elected to each house, this bill takes effect
185 upon approval by the governor, or the day following the constitutional time limit of Utah
186 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
187 the date of veto override.

188 **Section 11. Revisor instructions.**

189 It is the intent of the Legislature that, in preparing the Utah Code database for
190 publication, the Office of Legislative Research and General Counsel shall replace the language
191 in Section 47-3-305(1)(d) with the actual effective date of this bill.