

BILL ANALYSIS

Senate Research Center

H.B. 601
By: Carter (Patterson)
Jurisprudence
5-17-97
Committee Report (Amended)

DIGEST

Currently, the law regulates sport shooting ranges. Firearms shooting ranges may exist in close proximity to residential areas. Eighteen other states have enacted legislation to limit the civil and criminal liability of these ranges. This bill will provide new regulations regarding the liability of owners, operators, and users of sport shooting ranges.

PURPOSE

As proposed, H.B. 601 provides new regulations regarding the liability of owners, operators, and users of sport shooting ranges.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 6, Civil Practice and Remedies Code, by adding Chapter 128, as follows:

CHAPTER 128. SPORT SHOOTING RANGES

Sec. 128.001. DEFINITIONS. Defines "local noise regulation" and "sport shooting range."

Sec. 128.002. LIMITATION ON LIABILITY. Provides that a person who owns, operates, or uses a sport shooting range is not civilly or criminally liable in any matter relating to noise or noise pollution that results from the operation or use of the range if certain conditions are met, notwithstanding any other law.

Sec. 128.003. LIMITATION ON NUISANCE ACTION. Provides that, notwithstanding any other law, a person who owns, operates, or uses a sport shooting range is not subject to an action for nuisance or similar causes of action based on noise if certain conditions are met. Prohibits a court from enjoining the operation or use of a sport shooting range because the operation or use results in noise or noise pollution if certain conditions are met.

Sec. 128.004. EXEMPTION FROM CERTAIN STATE REGULATIONS. Provides that a rule adopted by a state agency to limit noise levels in terms of decibel level that may occur in the outdoor atmosphere does not apply to a sport shooting range whose liability is limited under Section 128.002.

Sec. 128.005. EXEMPTION FROM CERTAIN LOCAL NOISE REGULATIONS. Sets forth an exemption from noise laws and local noise regulations for sport shooting ranges.

Sec. 128.006. LOCAL REGULATION NOT OTHERWISE PROHIBITED. Authorizes a municipality, except as provided by this chapter, to regulate the location and construction of a sport shooting range established or permanently relocated within the municipality after the effective date of this act.

Sec. 128.007. ACTIONS FOR NEGLIGENCE OR RECKLESSNESS NOT

PROHIBITED. Provides that this chapter does not prohibit an action for negligence or recklessness in the operation of a sport shooting range or by a person using the range.

SECTION 2. Repealer: Section 250.001, Local Government Code (Restriction on Regulation of Sport Shooting Ranges).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

On page 3, line 10, after the word "range" and before the period by inserting "established or permanently relocated within the municipality after the effective date of this act."