



SENATE BILL No. 788

SENATE BILL No. 788

August 3, 1993, Introduced by Senators HOFFMAN, DINGELL, DUNASKISS and EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend sections 1, 2, and 3 of Act No. 269 of the Public Acts of 1989, entitled

"An act to provide civil immunity to persons who operate or use certain sport shooting ranges; and to regulate the application of state and local laws, rules, regulations, and ordinances regarding sport shooting ranges,"

being sections 691.1541, 691.1542, and 691.1543 of the Michigan Compiled Laws; and to add section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, and 3 of Act No. 269 of the
2 Public Acts of 1989, being sections 691.1541, 691.1542, and
3 691.1543 of the Michigan Compiled Laws, are amended and
4 section 2a is added to read as follows:

5 Sec. 1. As used in this act:

6 (A) "GENERALLY ACCEPTED MANAGEMENT AND OPERATION PRACTICES"
7 MEANS THOSE PRACTICES DEFINED BY A NONPROFIT MEMBERSHIP

1 ORGANIZATION THAT PROVIDES VOLUNTARY PISTOL SAFETY PROGRAMS THAT
2 INCLUDE TRAINING INDIVIDUALS IN THE SAFE HANDLING AND USE OF PIS-
3 TOLS, WHICH PRACTICES CONSIDER ALL INFORMATION AVAILABLE TO IT
4 REGARDING THE OPERATION OF SHOOTING RANGES.

5 (B) ~~-(a)-~~ "Local unit of government" means a county, city,
6 township, or village.

7 (C) ~~-(b)-~~ "Person" means an individual, proprietorship,
8 partnership, corporation, club, or other legal entity.

9 (D) ~~-(s)-~~ "Sport shooting range" or "range" means an area
10 designed and operated for the use of ARCHERY, rifles, shotguns,
11 pistols, silhouettes, skeet, trap, black powder, or any other
12 similar sport shooting.

13 Sec. 2. (1) Notwithstanding any other provision of law, AND
14 IN ADDITION TO OTHER PROTECTIONS PROVIDED IN THIS ACT, a person
15 who operates or uses a sport shooting range in this state ~~shall~~
16 IS not ~~be~~ subject to civil liability or criminal prosecution in
17 any matter relating to noise or noise pollution resulting from
18 the operation or use of the range if the range is in compliance
19 with any noise control laws or ordinances that applied to the
20 range and its operation at the time construction or operation of
21 the range was approved by a local unit of government.

22 (2) ~~-A-~~ IN ADDITION TO OTHER PROTECTIONS PROVIDED IN THIS
23 ACT, A person who operates or uses a sport shooting range is not
24 subject to an action for nuisance, and a court of the state shall
25 not enjoin the use or operation of a range on the basis of noise
26 or noise pollution, if the range is in compliance with any noise
27 control laws or ordinances that applied to the range and its

1 operation at the time construction or operation of the range was
2 approved by a local unit of government.

3 (3) Rules or regulations adopted by any state department or
4 agency for limiting levels of noise in terms of decibel level
5 which may occur in the outdoor atmosphere ~~shall~~ DO not apply to
6 a sport shooting range exempted from liability under this act.

7 SEC. 2A. (1) A SPORT SHOOTING RANGE IS NOT A PUBLIC OR PRI-
8 VATE NUISANCE IF THE SPORT SHOOTING RANGE ALLEGED TO BE A NUI-
9 SANCE CONFORMS TO GENERALLY ACCEPTED MANAGEMENT AND OPERATION
10 PRACTICES.

11 (2) A SPORT SHOOTING RANGE IS NOT A PUBLIC OR PRIVATE NUI-
12 SANCE IF THE SPORT SHOOTING RANGE EXISTED BEFORE A CHANGE IN THE
13 LAND USE OR OCCUPANCY OF LAND WITHIN 1 MILE OF THE BOUNDARIES OF
14 THE SPORT SHOOTING RANGE, AND IF BEFORE THAT CHANGE IN LAND USE
15 OR OCCUPANCY OF LAND, THE SPORT SHOOTING RANGE WOULD NOT HAVE
16 BEEN A NUISANCE. THIS EXEMPTION APPLIES TO A SPORT SHOOTING
17 RANGE THAT EXPANDS OR INCREASES THE EVENTS OR ACTIVITIES IT
18 OFFERS OR EXPANDS OR INCREASES ITS MEMBERSHIP OR OPPORTUNITIES
19 FOR PUBLIC PARTICIPATION, OR DOES BOTH.

20 Sec. 3. This act does not ~~prohibit~~ DO EITHER OF THE
21 FOLLOWING:

22 (A) PROHIBIT a local unit of government from regulating the
23 location, use, operation, safety, and construction of a sport
24 shooting range after ~~the effective date of this act~~
25 DECEMBER 26, 1989 IN A MANNER THAT IS CONSISTENT WITH THE
26 REQUIREMENTS OF THIS ACT.

1 (B) AFFECT THE APPLICATION OF OTHER APPLICABLE STATE AND
2 FEDERAL STATUTES.