
By: Delegates Harkins, Donoghue, Edwards, Hutchins, McKee, Poole, Stup, Jacobs, and Bonsack

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sport Shooting Ranges - Immunity From Liability**

3 FOR the purpose of prohibiting a person from bringing a nuisance action for noise
4 against a person who owns, operates, or uses a sport shooting range under certain
5 circumstances; establishing a certain exception; providing for the construction of
6 this Act; prohibiting a person from bringing an action for certain injuries that were
7 sustained while using a sport shooting range under certain circumstances; and
8 generally relating to sport shooting ranges and immunity from liability.

9 BY adding to

10 Article - Courts and Judicial Proceedings
11 Section 5-399.7
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 5-399.7.

18 (A) IN THIS SECTION, "SPORT SHOOTING RANGE" MEANS AN AREA DESIGNED
19 AND USED FOR TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING.

20 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (4) OF THIS
21 SUBSECTION, A PERSON MAY NOT BRING A CIVIL NUISANCE ACTION FOR NOISE
22 AGAINST A PERSON WHO OWNS, OPERATES, OR USES A SPORT SHOOTING RANGE
23 LOCATED WITHIN THE VICINITY OF THE PROPERTY OF THE PERSON BRINGING THE
24 ACTION IF THE SPORT SHOOTING RANGE WAS ESTABLISHED AS OF THE DATE THE
25 PERSON ACQUIRED THE PROPERTY.

26 (2) A PERSON WHO OWNS PROPERTY IN THE VICINITY OF A SPORT
27 SHOOTING RANGE THAT WAS ESTABLISHED AFTER THE PERSON ACQUIRED THE
28 PROPERTY MAY BRING A CIVIL NUISANCE ACTION FOR NOISE AGAINST THE SPORT
29 SHOOTING RANGE ONLY IF THE ACTION IS BROUGHT WITHIN 5 YEARS AFTER

2

1 ESTABLISHMENT OF THE SPORT SHOOTING RANGE OR 3 YEARS AFTER A
2 SUBSTANTIAL CHANGE IN THE USE OF THE SPORT SHOOTING RANGE.

3 (3) IF THERE HAS BEEN NO SHOOTING ACTIVITY AT A SPORT SHOOTING
4 RANGE FOR A PERIOD OF 3 CONSECUTIVE YEARS, THE RESUMPTION OF SHOOTING
5 IS CONSIDERED ESTABLISHMENT OF A NEW SPORT SHOOTING RANGE FOR
6 PURPOSES OF THIS SECTION.

7 (4) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT A NUISANCE
8 ACTION AGAINST A SPORT SHOOTING RANGE ESTABLISHED AFTER OCTOBER 1, 1996.

9 (C) A PERSON WHO PARTICIPATES IN SPORT SHOOTING AT A SPORT
10 SHOOTING RANGE ASSUMES THE RISKS ASSOCIATED WITH THE ACTIVITY TO THE
11 EXTENT THE RISKS ARE OBVIOUS AND INHERENT, AND MAY NOT BRING AN ACTION
12 FOR INJURIES SUSTAINED WHILE USING THE SPORT SHOOTING RANGE THAT WERE
13 CAUSED BY:

14 (1) THE NEGLIGENCE OF A PERSON WHO, AT THE TIME OF THE
15 INJURIES, WAS USING THE SPORT SHOOTING RANGE AND WAS NOT AN EMPLOYEE
16 OF THE SPORT SHOOTING RANGE; OR

17 (2) NATURAL AND FORESEEABLE CONDITIONS WHICH EXISTED ON THE
18 RANGE OR AN ADJACENT PROPERTY AT THE TIME OF THE INJURIES, SUCH AS SNOW
19 OR ICE, OUTCROPPINGS OR BARE SPOTS, ROCKS, TREES, WATER, OR OTHER FORMS
20 OF NATURAL GROWTH OR DEBRIS.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1996.