

By: Representative Woods

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1227

1 AN ACT TO PROVIDE CIVIL IMMUNITY FOR NOISE POLLUTION FOR
2 SPORT-SHOOTING RANGES; TO DEFINE CERTAIN TERMS; AND FOR RELATED
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) As used in this section, unless the context
6 otherwise requires:

7 (a) "Local unit of government" means a county,
8 municipality or other entity of local government;

9 (b) "Person" means an individual, proprietorship,
10 partnership, corporation, club, or other legal entity; and

11 (c) "Sport-shooting range" or "range" means an area
12 designed and operated for the use of rifles, shotguns, pistols,
13 silhouettes, skeet, trap, black powder or any other similar sport
14 shooting.

15 (2) (a) Notwithstanding any other provision of law to the
16 contrary, a person who operates or uses a sport shooting range in
17 this state is not subject to civil liability or criminal
18 prosecution for noise or noise pollution resulting from the
19 operation or use of the range if the range is in compliance with
20 all noise control laws, resolution, ordinances or regulations,
21 issued by a local unit of government, that applied to the range
22 and its operation at the time the range was constructed and began
23 operation.

24 (b) A person who operates or uses a sport shooting
25 range is not subject to an action for nuisance, and a court of the
26 state shall not enjoin the use or operation of a range on the

27 basis of noise or noise pollution, if the range is in compliance
28 with all noise control laws, resolutions, ordinances or
29 regulations, issued by a unit of local government, that applied to
30 the range and its operation at the time the range was constructed
31 and began operation.

32 (c) A person who subsequently acquires title to or who
33 owns real property adversely affected by the use of property with
34 a permanently located and improved range shall not maintain a
35 nuisance action against the person who owns the range to restrain,
36 enjoin or impede the use of the range where there has not been a
37 substantial change in the nature of the use of the range or by a
38 person using the range.

39 (d) Rules or regulations adopted by any state
40 department or agency for limiting levels of noise in terms of
41 described level which may occur in the outdoor atmosphere shall not
42 apply to a sport-shooting range exempted from liability under this
43 section.

44 (e) Notwithstanding any other provision of law to the
45 contrary, nothing in this section shall be construed to limit
46 civil liability except in the limited case of noise pollution.

47 (3) The provisions of this act shall apply only in a county
48 bordering the State of Tennessee wherein U.S. Highway 78
49 intersects State Highway 7.

50 SECTION 2. This act shall take effect and be in force from
51 and after July 1, 1999.