

By: Representative McBride

To: Judiciary A

HOUSE BILL NO. 354

1 AN ACT TO AMEND SECTION 95-13-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AREAS OF APPLICATION FOR THE LIABILITY EXEMPTION FOR
3 SPORT-SHOOTING RANGES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 95-13-1, Mississippi Code of 1972, is
6 amended as follows:

7 95-13-1. (1) As used in this section, unless the context
8 otherwise requires:

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

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

13 (c) "Sport-shooting range" or "range" means an area
14 designed and operated for the use of rifles, shotguns, pistols,
15 silhouettes, skeet, trap, black powder or any other similar sport
16 shooting which complies with the provisions of subsection (3) of
17 this section.

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

27 (b) A person who operates or uses a sport-shooting
28 range is not subject to an action for nuisance, and a court of the
29 state shall not enjoin the use or operation of a range on the
30 basis of noise or noise pollution, if the range is in compliance
31 with all noise control laws, resolutions, ordinances or
32 regulations issued by a unit of local government that applied to
33 the range and its operation at the time the range was constructed
34 and began operation.

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

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

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

50 (3) (a) In order to qualify for the limitation of liability
51 afforded by this act, a sport-shooting range must be located
52 wholly within a tract or parcel of land consisting of not less
53 than three hundred twenty (320) contiguous acres. All persons
54 owning property any part of which lies within one thousand (1,000)
55 yards of any boundary of the sport-shooting range property shall
56 have standing to appear and object to the location of the
57 sport-shooting range at a hearing to be conducted by the
58 Industrial Development Authority Board.

59 (b) The person seeking to operate the range and secure
60 the limitation of liability afforded by this act shall bear the
61 expense of the hearing and other costs associated therewith.

62 (c) Actual notice shall be afforded to all persons
63 having standing to object if the identity and addresses of those
64 persons can be determined by examining the property tax records of
65 the county. Actual notice shall be made in writing mailed via
66 first class mail, postage prepaid, not less than thirty (30) days
67 prior to the date set for the hearing.

68 (d) Publication shall be made in a newspaper of general
69 circulation in the county once a week for three (3) weeks, the
70 first such publication to be made not less than thirty (30) days
71 prior to the date of the hearing.

72 (e) Claims of persons who do not appear and object
73 shall be barred as provided in this act.

74 (f) Notwithstanding any provision of this act to the
75 contrary, the cause of action of any person owning property in the
76 vicinity of the proposed range and having standing to object prior
77 to the time of the hearing shall not be barred by the provisions
78 of this act provided the property owner registers his complaint
79 with the board at or before the hearing.

80 * * *

81 **SECTION 2.** This act shall take effect and be in force from
82 and after July 1, 2007.