

SENATE BILL 1608

By Beavers

AN ACT to amend Tennessee Code Annotated, Section 39-17-316, relative to shooting ranges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-316, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) A person who operates or uses a sport shooting range is not subject to civil or criminal liability for noise or noise pollution, nuisance or any other claim not involving physical injury to another human, resulting from the operation or use of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control provisions issued by a unit of local government, or the state or federal government, that applied to the range at the time that the range began operation.

(2) A person or entity that operates or uses a sport shooting range is not subject to an action for nuisance, abatement, or any other type of action or proceeding which would have the effect of limiting, reducing, eliminating or enjoining the use or operation of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control provisions issued by a unit of local government, or the state or federal government, that applied to the range and its operation at the time that the range began operation.

SECTION 2. Tennessee Code Annotated, Section 39-17-316, is further amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) With respect to any range that is open to the public and that begins operation after December 15, 2003, and for which there are no local, state, or federal zoning provisions affecting its establishment as a sport shooting range as of the date it began operation, the range shall not be protected by the exemptions from nuisance actions contained in this section until one (1) year after the date the sport shooting range begins operation; provided, that at the conclusion of such one year period the right to operate as a range shall not be amended, restricted, or terminated if the range was in continuous operation during such one year period.

SECTION 3. Tennessee Code Annotated, Section 39-17-316, is further amended by adding the following as a new, appropriately designated subsection:

(e) The right of any range that was in continuous operation for five (5) years or more immediately preceding December 16, 2008, to operate as a range shall not be amended, restricted, or terminated.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.