

13:1G-21.1

LEGISLATIVE HISTORY CHECKLIST
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(Firing Ranges immunity
from liability)

NJSA: 13:1G-21.1

LAWS OF: 1991 CHAPTER: 391

BILL NO: A2804

SPONSOR(S) Littell

DATE INTRODUCED: Pre-Filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Law, Public Safety & Defense

AMENDED DURING PASSAGE: Yes Amendments denoted by asterisks
according to Governor's recommendations.

DATE OF PASSAGE: ASSEMBLY: April 2, 1991 Re-enacted 1-9-92
SENATE: September 26, 1991 Re-enacted 1-13-92

DATE OF APPROVAL: January 16, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached

KBG/bas

[FIRST REPRINT]
ASSEMBLY, No. 2804
STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman LITTELL

1 AN ACT creating immunity from liability for owners of firing
2 ranges and supplementing P.L.1971, c.418 (C.13:1G-1 et seq.).

3

4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. As used in this act:

7 "Handgun" means a pistol, revolver or other firearm originally
8 designed or manufactured to be fired by the use of a single hand.

9 "Rifle" means a firearm designed to be fired from the shoulder
10 and using the energy of the explosive in a fixed metallic cartridge
11 to fire a single projectile through a rifled bore for each single
12 pull of the trigger.

13 "Shotgun" means a firearm designed to be fired from the
14 shoulder and using the energy of the explosive in a fixed shotgun
15 shell to fire through a smooth bore either a number of ball shots
16 or a single projectile for each pull of the trigger, or any firearm
17 designed to be fired from the shoulder which does not fire fixed
18 ammunition.

19 "Skeet shooting" means shooting with a shotgun at a succession
20 of clay pigeons sprung at different angles into the air from a trap.

21 "Trapshooting" means shooting with a shotgun at a clay pigeon
22 sprung into the air from a trap.

23 2. Notwithstanding the provisions of section 21 of P.L.1971,
24 c.418 (C.13:1G-21) to the contrary, an owner of a handgun, rifle,
25 shotgun, skeet shooting or trapshooting range in this State shall
26 be immune from liability where the liability is based upon noise
27 resulting from normal operation of the range in any civil
28 proceeding, or in any proceeding brought pursuant to the "Noise
29 Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.).

30 Nothing in this ¹[subsection] section¹ shall be deemed to grant
31 immunity to any person causing damage by his willful, wanton, or
32 grossly negligent act of commission or omission.

33 3. This act shall apply ¹only¹ to ¹[any] a¹ handgun, rifle,
34 shotgun, skeet shooting or trapshooting range located in this
35 State which has been maintained ¹continuously¹ in the same
36 location since ¹[December 31, 1983] January 24, 1972¹.

37 4. This act shall take effect immediately.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly amendments adopted in accordance with Governor's
recommendations November 25, 1991.

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PUBLIC SAFETY

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3

Exempts certain firing range owners from civil liability for noise

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caused by the ranges.

ASSEMBLY, No. 2804

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman LITTELL

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27 resulting from normal operation of the range in any civil
28 proceeding, or in any proceeding brought pursuant to the "Noise
29 Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.).

30 Nothing in this subsection shall be deemed to grant immunity
31 to any person causing damage by his willful, wanton, or grossly
32 negligent act of commission or omission.

33 3. This act shall apply to any handgun, rifle, shotgun, skeet
34 shooting or trapshooting range located in this State which has
35 been maintained in the same location since December 31, 1983.

36 4. This act shall take effect immediately.

37

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STATEMENT

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41 This bill exempts owners of handgun, rifle, shotgun, skeet

1 shooting, or trapshooting ranges, which have operated in the same
2 location since December 31, 1983, from civil liability or liability
3 in any proceeding brought pursuant to the "Noise Control Act of
4 1971," P.L.1971, c.418 (C.13:1G-1 et seq.) for the noise caused by
5 normal operation of the ranges.

6 Many firing ranges were established in rural, spacious areas
7 before 1984, only to later become surrounded by new
8 construction, and hence, new residential homeowners. Owners of
9 the preestablished ranges have been sued by these new
10 homeowners for the noise caused by the ranges.

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13 PUBLIC SAFETY

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15 Exempts certain firing range owners from civil liability for noise
16 caused by the ranges.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2804

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 2804.

This bill exempts owners of handgun, rifle, shotgun, skeet shooting, or trapshooting ranges, which have operated in the same location since December 31, 1983, from civil liability or liability in any proceeding brought pursuant to the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.) for the noise caused by normal operation of the ranges. No immunity is granted for willful, wanton or grossly negligent acts.

The bill is applicable to those ranges in this State which have been maintained in the same location since December 31, 1983.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2804

STATE OF NEW JERSEY

DATED: MAY 13, 1991

The Senate Law, Public Safety and Defense Committee favorably reports Assembly Bill No. 2804.

This bill exempts owners of handgun, rifle, shotgun, skeet shooting, or trapshooting ranges which have operated in the same location since December 31, 1983 from civil liability, or liability in any proceeding brought pursuant to the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), for the noise caused during the normal operation of the ranges. No immunity is granted, however, for willful, wanton or grossly negligent acts.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 25, 1991

ASSEMBLY BILL NO. 2804

To the Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2804 with my objections for reconsideration.

This bill would grant immunity from a civil suit or an action brought under the Noise Control Act of 1971 to an owner of a handgun, rifle, shotgun, skeet shooting, or trapshooting range where the liability is based on noise resulting from the normal operation of the range. The immunity would not be available to any person causing damage by a willful, wanton, or grossly negligent act of commission or omission. Also, the immunity would apply only to the owner of a range that is located in this State and that has been maintained in the same location since December 31, 1983.

I understand the concerns behind this legislation. Firing ranges by necessity produce noise. Owners of those ranges therefore face potential liability from a civil suit alleging that the noise from the range is a nuisance. This liability can be imposed even if the plaintiff moved near the range years after the range opened and with full knowledge of the range's existence. Owners may also face enforcement action under the Noise Control Act.

The concerns that prompted this bill are legitimate. But I cannot sign the bill in its current form because it is written too broadly. The bill would apply to any range operated on the same site since December 31, 1983. This durational period should be lengthened so that the bill will only apply to ranges that have been

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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operated continuously in the same place for a significant period of time. The more appropriate date is January 24, 1972, the date on which the Noise Control Act took effect.

For these reasons, I herewith return Assembly Bill No. 2804 and recommend that it be amended as follows:

<u>Page One, Section 2, Line 30:</u>	Delete "subsection" insert "section"
<u>Page One, Section 3, Line 33:</u>	After "apply" insert "only"
<u>Page One, Section 3, Line 33:</u>	Delete "any" insert "a"
<u>Page One, Section 3, Line 35:</u>	After "maintained" insert "continuously"
<u>Page One, Section 3, Line 35:</u>	Delete "December 31, 1983" insert "January 24, 1972"

Respectfully,

/s/ James J. Florio

GOVERNOR

[seal]

Attest:

/s/ Andrew Weber

Counsel to the Governor