

CHAPTER 72, LAWS 2002

AN ACT

RELATING TO WEAPONS; CREATING THE SPORT SHOOTING RANGE ACT;
PROVIDING STANDARDS FOR IMMUNITY FROM NUISANCE ACTIONS BASED
ON NOISE OR NOISE POLLUTION; SPECIFYING LOCAL AUTHORITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Sport Shooting Range Act".

Section 2. PURPOSE OF ACT.--The purpose of the Sport
Shooting Range Act is to protect the normal operation and
use of sport shooting ranges by establishing when a person
who owns, operates or uses a sport shooting range is liable
for civil penalties.

Section 3. DEFINITION.--As used in the Sport Shooting
Range Act, a "sport shooting range" is an area designed and
operated for the use of rifles, shotguns or pistols as a
means of silhouette, skeet, trap, black powder or other
sport shooting or firearms training.

Section 4. IMMUNITY FROM NUISANCE ACTIONS BASED ON
NOISE OR NOISE POLLUTION.--

A. The use or operation of a sport shooting range
shall not be enjoined as a nuisance on the basis of noise or
noise pollution:

(1) if the sport shooting range is in
compliance with noise control statutes, rules or ordinances
that apply to the range and its operation at the time that
the initial operation of the range commenced;

(2) due to changes made to noise control
statutes, rules or ordinances that apply to the sport
shooting range and its operation, if the changes take effect
after the initial operation of the range commenced; or

(3) if noise control statutes, rules or
ordinances were not in effect at the time that the original
operation of the sport shooting range commenced.

B. The use or operation of a sport shooting range
may not be enjoined as a nuisance on the basis of noise or
noise pollution by a person who acquires an interest in real
property adversely affected by the normal operation and use
of a sport shooting range that commenced operation prior to
the time the person acquired the interest in real property.

Section 5. LOCAL GOVERNMENT AUTHORITY.--The provisions of the Sport Shooting Range Act shall not prohibit a local government from regulating the location and construction of sport shooting ranges after July 1, 2002.

Section 6. EXEMPTIONS.--The provisions of the Sport Shooting Range Act do not apply:

A. to recovery for an act or omission relating to recklessness, negligence, wanton misconduct or willful misconduct in the operation or use of a sport shooting range;

B. to a nuisance action on the basis of trespass involving the operation or use of a sport shooting range;

C. to the operation or use of a sport shooting range that substantially and adversely affects public health or public safety; or

D. if there has been a substantial change in the primary use of a sport shooting range.

Section 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2002.