

CHAPTER 665

(House Bill 383)

AN ACT concerning

Sport Shooting Ranges – Private Civil Nuisance Actions

FOR the purpose of prohibiting a person from bringing a private civil nuisance action for noise against a person who owns, operates, or uses a sport shooting range under certain circumstances; establishing a certain exception; providing for the construction of this Act; and generally relating to sport shooting ranges and private civil nuisance actions.

BY adding to

Article – Courts and Judicial Proceedings

Section 5-399.8

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

5-399.8.

(A) IN THIS SECTION, "SPORT SHOOTING RANGE" MEANS AN AREA DESIGNED AND USED FOR TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING.

(B) THIS SECTION APPLIES ONLY TO PRIVATE NUISANCE ACTIONS AND DOES NOT APPLY TO PUBLIC NUISANCE ACTIONS.

(C) IF THERE HAS BEEN NO SHOOTING ACTIVITY AT A SPORT SHOOTING RANGE FOR A PERIOD OF 3 CONSECUTIVE YEARS, THE DATE OF RESUMPTION OF SHOOTING ACTIVITY IS CONSIDERED THE DATE OF THE ESTABLISHMENT OF A SPORT SHOOTING RANGE FOR PURPOSES OF THIS SECTION.

~~(B) (D) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (4) PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT BRING A CIVIL NUISANCE ACTION FOR NOISE AGAINST A PERSON WHO OWNS, OPERATES, OR USES A SPORT SHOOTING RANGE LOCATED WITHIN THE VICINITY OF THE PROPERTY OF THE PERSON BRINGING THE ACTION IF THE SPORT SHOOTING RANGE WAS ESTABLISHED AS OF THE DATE THE PERSON ACQUIRED THE PROPERTY.~~

~~(2) A PERSON WHO OWNS PROPERTY IN THE VICINITY OF A SPORT SHOOTING RANGE THAT WAS ESTABLISHED AFTER THE PERSON ACQUIRED THE PROPERTY MAY BRING A CIVIL NUISANCE ACTION FOR NOISE AGAINST THE SPORT SHOOTING RANGE ONLY IF THE ACTION IS BROUGHT WITHIN 5 YEARS AFTER ESTABLISHMENT OF THE SPORT SHOOTING RANGE OR 3 YEARS AFTER A SUBSTANTIAL CHANGE IN THE USE OF THE SPORT SHOOTING RANGE.~~