

AN ACT

RELATING TO WEAPONS; CREATING THE SPORT SHOOTING RANGE ACT;
PROVIDING STANDARDS FOR IMMUNITY FROM NUISANCE ACTIONS;
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.

Section 4. IMMUNITY FROM NUISANCE ACTIONS. --

A. The use or operation of a sport shooting range shall not be enjoined as a nuisance if the range is in compliance with those statutes, rules and ordinances that apply to the range and its operation at the time when the initial operation of the range commenced. The use or operation of a sport shooting range shall not be enjoined due to subsequent changes in the statutes, rules or

ordinances pertaining to the normal operation and use of sport shooting ranges.

B. The use or operation of a sport shooting range may not be enjoined as a nuisance by a person who acquires title to 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 title.

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, 2001.

Section 6. EXEMPTIONS. --

A. The provisions of the Sport Shooting Range Act do not apply to recovery for an act or omission relating to the operation or use of a sport shooting range based on negligence or willful or wanton misconduct.

B. The provisions of the Sport Shooting Range Act shall not apply 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, 2001. _____