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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



# ENROLLED

## House Bill No. 4106

(By Delegates Rowe, Johnson, Staton,  
Faircloth and Martin)



Passed March 13, 1998

In Effect Ninety Days from Passage



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LEGISLATIVE SERVICE CENTER  
STATE HOUSE

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# H. B. 4106

(BY DELEGATES ROWE, JOHNSON, STATON, FAIRCLOTH AND MARTIN)

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[Passed March 13, 1998; in effect ninety days from passage.]

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AN ACT to amend article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-three, relating to limitation of nuisance actions for shooting ranges; prohibiting nuisance actions when property purchased near an existing shooting range, establishing limitations of actions when a shooting range is established or undergoes substantial change.

*Be it enacted by the Legislature of West Virginia:*

That article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-three, to read as follows:

**ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-23. Shooting range; limitations on nuisance actions.**

- 1 (a) As used in this section:
- 2 (1) "Person" means an individual, proprietorship,
- 3 partnership, corporation, club or other legal entity;
- 4 (2) "Shooting range" or "range" means an area
- 5 designed and operated for the use of rifles, shotguns,

6 pistols, silhouettes, skeet, trap, black powder or any other  
7 similar shooting.

8 (b) Except as provided in this section, a person may  
9 not maintain a nuisance action for noise against a shooting  
10 range located in the vicinity of that person's property if  
11 the range was established as of the date of the person  
12 acquiring the property. If there is a substantial change in  
13 use of the range after the person acquires the property, the  
14 person may maintain a nuisance action if the action is  
15 brought within two years from the beginning of the  
16 substantial change in use of the range.

17 (c) A person who owned property in the vicinity of a  
18 shooting range that was established after the person  
19 acquired the property may maintain a nuisance action for  
20 noise against that range only if the action is brought  
21 within four years after establishment of the range or two  
22 years after a substantial change in use of the range.

23 (d) If there has been no shooting activity at a range for  
24 a period of two years, resumption of shooting is  
25 considered establishment of a new range for the purposes  
26 of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Wm. H. Johnson*  
Chairman Senate Committee

*Nick Frantoso*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Carol E. Hayes*  
Clerk of the Senate

*Bryson W. Day*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*Richard H. Beesley*  
Speaker of the House of Delegates

The within *approved* this the *8th*  
day of *April*, 1998.

*Lee R. Henderson*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 10:20 am