

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 194, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SPORT SHOOTING ACTIVITIES; AMENDING TITLE 6, IDAHO
 2 CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 6, IDAHO CODE,
 3 TO DEFINE TERMS, TO PROVIDE FOR A LIMITATION OF LIABILITY ON
 4 CERTAIN SPORT SHOOTING ACTIVITIES, TO PROVIDE EXCEPTIONS AND
 5 TO CLARIFY CONSTRUCTION RELATING TO CERTAIN PROVISIONS; AND
 6 AMENDING SECTION 6-904B, IDAHO CODE, TO PROVIDE AN EXCEPTION
 7 TO GOVERNMENTAL LIABILITY RELATING TO CERTAIN SPORT SHOOTING
 8 RANGES.
 9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the
 12 addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 6,
 13 Idaho Code, and to read as follows:

CHAPTER 27

IDAHO SPORT SHOOTING ACTIVITIES IMMUNITY ACT

16 6-2701. DEFINITIONS. As used in this chapter:

17 (1) "Engaged in sport shooting activities" means entering and exiting a sport shooting
 18 range, preparing to shoot, waiting to shoot, shooting and assisting another person in shooting.
 19 The term includes being a spectator, receiving training or otherwise being present on a sport
 20 shooting range for any reason;

21 (2) "Participant" means any person who engages in sport shooting activities, whether or
 22 not a fee is paid to participate in such sport shooting activities;

23 (3) "Sport shooting activities" means the use of firearms, airguns and archery equipment
 24 for target practice, competition, training, instruction or other similar activities;

25 (4) "Sport shooting instructor" means a person who holds a current instructor certification
 26 issued by the Idaho department of fish and game, the Idaho state police, the national rifle
 27 association or other nationally recognized organization, which certifies shooting instructors who
 28 are engaged, whether or not for compensation, in instructing, training or coaching a participant
 29 in sport shooting activities;

30 (5) "Sport shooting official" means a person who holds a current certification as
 31 a referee, match director, range officer, range master or other similar function issued by
 32 the national rifle association, United States practical shooting association, national range
 33 officers institute, USA shooting, international shooting sports federation or other nationally
 34 or internationally recognized organization which certifies match officials who are engaged in
 35 supervising sport shooting activities;

36 (6) "Sport shooting range" or "range" means an area designed and operated for the use of
 37 rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery or any other similar sport
 38 shooting;

1 (7) "Sport shooting range operator" means an individual, group or club, partnership,
2 limited liability company or corporation, whether or not operating for profit, which owns,
3 operates or otherwise provides a range for sport shooting activities; and

4 (8) "Sport shooting sponsor" means an individual, group or club, partnership, limited
5 liability company or corporation, whether or not operating for profit, which promotes or
6 conducts sport shooting activities.

7 6-2702. LIMITATION OF LIABILITY ON SPORT SHOOTING ACTIVITIES. (1)
8 Except as provided in subsection (2) or (3) of this section, a sport shooting range operator, sport
9 shooting sponsor, sport shooting official or sport shooting instructor shall not be liable for any
10 injury, including an injury causing death, to a participant engaged in sport shooting activities
11 and, except as provided in subsection (2) or (3) of this section, no participant or participant's
12 representative, may maintain an action against, or recover from, a sport shooting range operator,
13 sport shooting sponsor, sport shooting official or sport shooting instructor for an injury to, or
14 the death of, a participant engaged in sport shooting activities.

15 (2) Nothing in subsection (1) of this section shall prevent or limit the liability of a sport
16 shooting range operator, sport shooting sponsor, sport shooting official or sport shooting range
17 instructor:

18 (a) If the sport shooting range operator, sport shooting sponsor, sport shooting official or
19 sport shooting instructor:

20 (i) Commits an act or omission that constitutes gross negligence or willful and
21 wanton disregard for the safety of the participant and that act or omission caused
22 the injury;

23 (ii) Intentionally injures the participant;

24 (iii) Fails to exercise ordinary care in the sport shooting range operator's, sport
25 shooting sponsor's, sport shooting official's or sport shooting instructor's own use
26 of a firearm, airgun or archery equipment; or

27 (iv) Provides firearms, airguns or archery equipment to a participant and fails to
28 exercise ordinary care to determine that the provided firearms, airguns or archery
29 equipment are in a safe operating condition.

30 (b) Under liability provisions as set forth in the products liability laws;

31 (c) Under the liability provisions set forth in chapter 9, title 6, Idaho Code; or

32 (d) Under the provisions of the Idaho worker's compensation law, section 72-101, Idaho
33 Code, et seq.

34 (3) Nothing in subsection (1) of this section shall prevent or limit the liability of a
35 sport shooting range operator if a participant sustains an injury because of a dangerous latent
36 condition which was known or should have been known to the sport shooting range operator
37 and for which warning signs had not been conspicuously posted.

38 (4) Nothing in this section shall be construed to enlarge or otherwise adversely affect the
39 liability of any party. This section shall not be construed to impair any defense and any other
40 immunity or bar to a civil lawsuit shall remain in effect.

41 SECTION 2. That Section 6-904B, Idaho Code, be, and the same is hereby amended to
42 read as follows:

43 6-904B. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity
44 and its employees while acting within the course and scope of their employment and without

1 malice or criminal intent and without gross negligence or reckless, willful and wanton conduct
2 as defined in section 6-904C, Idaho Code, shall not be liable for any claim which:

3 1. Arises out of the detention of any goods or merchandise by any law enforcement
4 officer.

5 2. Arises out of the cancellation or rescission, or the failure to cancel or rescind, any
6 motor vehicle registration and license plates for failure of the owner to verify or maintain motor
7 vehicle liability insurance coverage.

8 3. Arises out of the issuance, denial, suspension or revocation of, or failure or refusal
9 to issue, deny, suspend, or revoke a permit, license, certificate, approval, order or similar
10 authorization.

11 4. Arises out of the failure to make an inspection, or the making of an inadequate
12 inspection of any property, real or personal, other than the property of the governmental entity
13 performing the inspection.

14 5. Arises out of any act or omission providing or failing to provide medical care
15 to a prisoner or person in the custody of any city, county or state jail, detention center or
16 correctional facility.

17 6. Arises out of a decision of the state commission of pardons and parole or its executive
18 director when carrying out the business of the commission.

19 7. Arises out of a decision, act or omission of a city, county, the Idaho board of
20 correction or Idaho department of correction when carrying out duties and responsibilities as set
21 forth in chapter 8, title 20, Idaho Code.

22 8. Arises out of the operation of a sport shooting range as defined in section 6-2701,
23 Idaho Code.