

SENATE BILL NO. 302—COMMITTEE ON TRANSPORTATION

MARCH 3, 1999

Referred to Committee on Transportation

SUMMARY—Requires audible alarm on certain gates. (BDR 35-226)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to gates that provide access to public highways; requiring an audible alarm on certain gates; specifying the standard of liability for the manufacturer of a gate without the required alarm; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 405 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. A gate that:***
4 ***(a) Operates by mechanical power; and***
5 ***(b) Provides access between a public highway and any property open***
6 ***to public entry,***
7 ***must be equipped with an alarm that gives an audible warning before the***
8 ***gate opens or closes.***
9 ***2. If the manufacturer of a gate on which an alarm is required***
10 ***pursuant to this section fails to comply with the provisions of subsection***
11 ***1, that failure constitutes negligence per se in any action for the recovery***
12 ***of damages to a person or his property caused by the opening or closing***
13 ***of the gate.***
14 ***3. If a gate on which an alarm is required pursuant to this section is***
15 ***within 100 feet of a dwelling, the alarm must not be louder than 60***
16 ***decibels.***
17 ***4. As used in this section, “property open to public entry” means***
18 ***property in private or public ownership onto which members of the***

1 *public regularly enter, are reasonably likely to enter, or are invited or*
2 *permitted to enter as invitees or licensees.*

3 **Sec. 2.** 1. If a gate on which an alarm is required pursuant to section
4 1 of this act was installed before October 1, 1999, the alarm must be
5 installed on or before January 1, 2000.

6 2. Subsection 2 of section 1 of this act does not apply to the
7 manufacturer of a gate installed before October 1, 1999, if the manufacturer
8 equips the gate as required pursuant to subsection 1 of that section on or
9 before January 1, 2000.

~