

SENATE BILL NO. 482—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

(ON BEHALF OF NEVADA ASSOCIATION OF COUNTIES)

MARCH 26, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Establishes prohibited and required conduct of person who uses skateboard park and limits liability of skateboard park operator. (BDR 40-415)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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

AN ACT relating to skateboard parks; prohibiting a person who uses a skateboard park from engaging in certain conduct; requiring such a person to follow certain safety requirements; limiting the liability of a skateboard park operator; providing a penalty; 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 455B of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 10, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3, 4*
5 *and 5 of this act have the meanings ascribed to them in those sections.*
6 **Sec. 3.** *“Roller skate” means a tandem or in-line set of wheels*
7 *mounted on a frame that can be fitted to the sole of a shoe or a shoe*
8 *mounted on a tandem or in-line set of wheels.*
9 **Sec. 4.** *“Skateboard park” means a park or part of a park with*
10 *paths, slopes, structures, jumps and other areas open to the public that*
11 *are designated for use with a skateboard, roller skates or a bicycle.*
12 **Sec. 5.** *“Skateboard park operator” means an agency or political*
13 *subdivision of this state that owns, controls, operates or manages a*
14 *skateboard park.*
15 **Sec. 6.** *A person shall not:*
16 1. *Use any facility of a skateboard park if he knows that he has*
17 *insufficient knowledge, skill or physical ability to use the facility safely;*



- 1 2. *Fail or refuse to comply with:*
- 2 (a) *Reasonable instructions provided by an authorized agent or*
- 3 *employee of a skateboard park operator regarding the use of the*
- 4 *skateboard park; or*
- 5 (b) *Rules concerning safety that are posted on a sign in a conspicuous*
- 6 *place by a skateboard park operator;*
- 7 3. *Intentionally place, drop or throw any object in the path of a user*
- 8 *of a skateboard park; or*
- 9 4. *Conduct himself in a manner that interferes with the safe*
- 10 *operation of a skateboard park or with the safety of other users of a*
- 11 *skateboard park.*
- 12 **Sec. 7.** *A person using a skateboard park shall, to the extent*
- 13 *possible:*
- 14 1. *Locate and ascertain the meaning of any sign that is posted in or*
- 15 *near the skateboard park by the skateboard park operator;*
- 16 2. *Heed warnings and other information posted by the skateboard*
- 17 *park operator;*
- 18 3. *Avoid impeding or colliding with other skateboarders, roller*
- 19 *skaters and bicyclists when entering any part of the skateboard park and*
- 20 *when commencing to skateboard, roller skate or ride a bicycle from a*
- 21 *stationary position;*
- 22 4. *Maintain a proper awareness and control of his speed to avoid*
- 23 *colliding with objects and other users of the skateboard park; and*
- 24 5. *Conduct himself in such a manner as to avoid injury to persons*
- 25 *and property in the skateboard park.*
- 26 **Sec. 8.** 1. *A person who sustains a personal injury while he is*
- 27 *using a skateboard park shall notify the skateboard park operator or an*
- 28 *authorized agent or employee of the operator of the injury as soon as*
- 29 *reasonably possible.*
- 30 2. *A skateboard park operator is not liable for the death or injury of*
- 31 *a person or for damage to property caused or sustained by a person using*
- 32 *a skateboard park who knowingly enters an area which is not designated*
- 33 *for use with a skateboard, roller skates or a bicycle.*
- 34 3. *A skateboard park operator shall take reasonable steps to*
- 35 *minimize dangers and conditions within his control.*
- 36 **Sec. 9.** 1. *A person shall not enter or use a skateboard park to*
- 37 *skateboard, roller skate or ride a bicycle while intoxicated or under the*
- 38 *influence of a controlled substance, unless in accordance with a lawfully*
- 39 *issued prescription.*
- 40 2. *A person using a skateboard park who is involved in a collision or*
- 41 *an accident in which another person is injured shall provide his name*
- 42 *and current address to the injured person and the skateboard park*
- 43 *operator or an authorized agent or employee of the operator:*
- 44 (a) *Before he leaves the vicinity of the collision or accident; or*



1 *(b) As soon as reasonably possible after leaving the vicinity of the*
2 *collision or accident to secure aid for the injured person.*

3 *3. A person who violates a provision of this section is guilty of a*
4 *misdemeanor.*

5 **Sec. 10.** *The provisions of sections 2 to 10, inclusive, of this act do*
6 *not prohibit a county, city or town from adopting ordinances that*
7 *regulate skateboard parks which are consistent with the provisions of*
8 *sections 2 to 10, inclusive, of this act.*

9 **Sec. 11.** NRS 455B.010 is hereby amended to read as follows:

10 455B.010 As used in ~~{this chapter,}~~ *NRS 455B.010 to 455B.100,*
11 *inclusive,* unless the context otherwise requires:

12 1. "Amusement park" means any permanent facility or park where
13 amusement rides are available for use by the public.

14 2. "Amusement ride" or "ride" means any type of ride including,
15 without limitation, any mechanical or aquatic device which carries
16 passengers over a fixed or restricted route primarily for the passengers'
17 amusement. The terms include any ride propelled by its passengers or
18 gravity if it is located in an amusement park.

19 3. "Operator" means a person who owns, leases, manages or operates
20 an amusement park.

21 4. "Passenger" means a person using an amusement ride.

22 **Sec. 12.** NRS 455B.030 is hereby amended to read as follows:

23 455B.030 1. An operator shall prominently post and maintain in at
24 least five conspicuous locations in the amusement park, including each
25 entrance, exit, station for reporting an injury and first aid station, signs that:

26 (a) Indicate the responsibilities of operators and passengers pursuant to
27 ~~{this chapter,}~~ *the provisions of NRS 455B.010 to 455B.100, inclusive.*

28 (b) Inform passengers of the location of stations for reporting accidents.

29 2. An operator shall prominently post and maintain signs in simple and
30 concise language at or near points where passengers embark upon an
31 amusement ride, directing persons who are not familiar with the operation
32 of the ride to ask an authorized agent or employee of the operator for
33 assistance and instruction.

34 **Sec. 13.** NRS 455B.100 is hereby amended to read as follows:

35 455B.100 ~~{This chapter does}~~ *The provisions of NRS 455B.010 to*
36 *455B.100, inclusive, do* not prohibit a county, city or unincorporated town
37 from adopting ordinances that regulate amusement parks which are
38 consistent with the provisions of ~~{this chapter,}~~ *NRS 455B.010 to*
39 *455B.100, inclusive.*

40 **Sec. 14.** Chapter 41 of NRS is hereby amended by adding thereto a
41 new section to read as follows:

42 *No action may be brought pursuant to NRS 41.031 or against an*
43 *immune contractor or an officer or employee of the state or any of its*
44 *agencies or political subdivisions which is based upon:*

45 *1. An injury to a person or property arising from the use of a*
46 *skateboard park if the person who sustained the injury or whose property*
47 *was injured was voluntarily using the skateboard park when the injury*



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1 *occurred and knew or reasonably should have known that using the*
2 *skateboard park created a substantial risk of injury to the person and his*
3 *property.*

4 *2. A claim of negligence relating to:*

5 *(a) The design or specifications;*

6 *(b) The adoption of the designs or specifications;*

7 *(c) The supervision or observation of the construction; or*

8 *(d) The construction or repair;*

9 *of a public facility designed, in whole or in part, for the purposes of*
10 *skateboarding, roller skating or bicycling, if the facility was designed,*
11 *constructed or repaired in accordance with a generally recognized*
12 *engineering or safety standard, criteria or design theory in existence at*
13 *the time of the design, construction or repair.*

14 **Sec. 15.** NRS 41.0307 is hereby amended to read as follows:

15 41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~H~~, *and section*
16 *14 of this act:*

17 1. "Employee" includes an employee of a:

18 (a) Part-time or full-time board, commission or similar body of the state
19 or a political subdivision of the state which is created by law.

20 (b) Charter school.

21 2. "Employment" includes any services performed by an immune
22 contractor.

23 3. "Immune contractor" means any natural person, professional
24 corporation or professional association which:

25 (a) Is an independent contractor with the state pursuant to NRS 284.173;
26 and

27 (b) Contracts to provide medical services for the department of prisons.

28 As used in this subsection, "professional corporation" and "professional
29 association" have the meanings ascribed to them in NRS 89.020.

30 4. "Public officer" or "officer" includes:

31 (a) A member of a part-time or full-time board, commission or similar
32 body of the state or a political subdivision of the state which is created by
33 law.

34 (b) A public defender and any deputy or assistant attorney of a public
35 defender or an attorney appointed to defend a person for a limited duration
36 with limited jurisdiction.

37 (c) A district attorney and any deputy or assistant district attorney or an
38 attorney appointed to prosecute a person for a limited duration with limited
39 jurisdiction.

40 **Sec. 16.** The amendatory provisions of this act apply to an action filed
41 on or after July 1, 2001.

42 **Sec. 17.** The amendatory provisions of this act do not apply to
43 offenses committed before July 1, 2001.

44 **Sec. 18.** This act becomes effective on July 1, 2001.

