

SENATE BILL NO. 261—SENATOR TOWNSEND

MARCH 22, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Includes snowboarders in provisions governing skier safety. (BDR 40-1155)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 public safety; revising the provisions governing skier safety to include snowboarding; 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:

Section 1. Chapter 455A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. *“Skiing” means the act of using skis to move across snow-covered ground.*

Sec. 3. *“Snowboarder” means a person who engages in snowboarding in a snow recreation area.*

Sec. 4. *“Snowboarding” means the act of using a snowboard to move across snow-covered ground.*

Sec. 5. NRS 455A.010 is hereby amended to read as follows:
455A.010 This chapter may be cited as the Skier **and Snowboarder** Safety Act.

Sec. 6. NRS 455A.020 is hereby amended to read as follows:
455A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 455A.030 to 455A.090, inclusive, **and sections 2, 3 and 4 of this act** have the meanings ascribed to them in those sections.



1 **Sec. 7.** NRS 455A.030 is hereby amended to read as follows:
2 455A.030 “Passenger” means a person who utilizes a ~~{ski}~~
3 *chair* lift for transportation.

4 **Sec. 8.** NRS 455A.040 is hereby amended to read as follows:
5 455A.040 ~~“{Ski-area}”~~ *“Snow recreation area”* means the
6 slopes, trails, runs and other areas under the control of ~~{a-skiing}~~ *an*
7 operator that are intended to be used for skiing , *snowboarding* or
8 for the observation of the ~~{sport-}~~ *sports*.

9 **Sec. 9.** NRS 455A.050 is hereby amended to read as follows:
10 455A.050 ~~“{Ski-lift}”~~ *“Chair lift”* means a device, except for
11 an elevator, that carries, pulls or pushes a person along a level or
12 inclined path to, from or within a ~~{ski}~~ *snow recreation* area by
13 means of a rope, cable or other flexible element that is driven by an
14 essentially stationary source of power.

15 **Sec. 10.** NRS 455A.060 is hereby amended to read as follows:
16 455A.060 ~~“{Ski-patrol}”~~ *“Patrol”* means agents or employees
17 of ~~{a-skiing}~~ *an* operator who patrol the ~~{ski}~~ *snow recreation* area.

18 **Sec. 11.** NRS 455A.070 is hereby amended to read as follows:
19 455A.070 “Skier” means a person who ~~{skis}~~ *engages in*
20 *skiing* in a ~~{ski}~~ *snow recreation* area.

21 **Sec. 12.** NRS 455A.080 is hereby amended to read as follows:
22 455A.080 ~~“{Skiing-operator}”~~ *“Operator”* means a person, or a
23 governmental agency or political subdivision of this State, who
24 controls or operates an area where persons ~~{ski-}~~ *engage in skiing or*
25 *snowboarding*.

26 **Sec. 13.** NRS 455A.090 is hereby amended to read as follows:
27 455A.090 “Surface lift” means a ~~{ski}~~ *chair* lift designed for
28 skiers *or snowboarders* to remain in contact with the ground or
29 snowy surface during transportation.

30 **Sec. 14.** NRS 455A.100 is hereby amended to read as follows:
31 455A.100 A skier *or snowboarder* shall not:

- 32 1. Embark upon a ~~{ski}~~ *chair* lift:
33 (a) When he knows that he has insufficient knowledge or
34 physical ability to use the ~~{ski}~~ *chair* lift safely; or
35 (b) That is posted as closed or not in operation;
36 2. Purposefully embark upon or disembark from a ~~{ski-lift,}~~
37 *chair lift* except at an area designated for such a purpose or at the
38 direction and under the direct supervision of an authorized agent or
39 employee of ~~{a-skiing}~~ *an* operator;
40 3. Toss, throw or cast or intentionally drop, expel or eject an
41 object from a ~~{ski}~~ *chair* lift;
42 4. Toss, throw or cast an object in the direction of a ~~{ski}~~ *chair*
43 lift;



- 1 5. Fail or refuse to comply with:
- 2 (a) Reasonable instructions given to him by an authorized agent
- 3 or employee of ~~{a-skiing}~~ **an** operator regarding the use of a ~~{ski}~~
- 4 **chair** lift; or
- 5 (b) A sign posted pursuant to NRS 455A.130 or 455A.140;
- 6 6. Place any object in the uphill path of a surface lift;
- 7 7. Conduct himself in a manner that interferes with the safe
- 8 operation of a ~~{ski}~~ **chair** lift or with the safety of a passenger ~~for~~
- 9 ~~skier;~~ **, skier or snowboarder;** or
- 10 8. ~~{Ski}~~ **Engage in skiing or snowboarding** in an area within
- 11 the ~~{ski}~~ **snow recreation** area which is posted, as provided in NRS
- 12 207.200, as closed.

13 **Sec. 15.** NRS 455A.110 is hereby amended to read as follows:
14 455A.110 A skier **or snowboarder** shall, to the extent that the
15 matter is within his control:

- 16 1. Locate and ascertain the meaning of signs in his vicinity
- 17 posted pursuant to NRS 455A.130 and 455A.140;
- 18 2. Heed warnings and other information posted by ~~{a-skiing}~~
- 19 **an** operator;
- 20 3. Remain a safe distance from vehicles, signs and equipment
- 21 for grooming snow or for transportation;
- 22 4. Avoid skiers **or snowboarders** in motion when entering a
- 23 ~~{ski}~~ slope, run or trail, and when commencing to ~~{ski}~~ **engage in**
- 24 **skiing or snowboarding** from a stationary position;
- 25 5. Maintain a proper lookout and control of his speed to avoid
- 26 downhill objects ~~{and}~~ **, skiers and snowboarders** to the best of his
- 27 ability; and
- 28 6. Conduct himself in such a manner as to avoid injury to
- 29 persons and property in a ~~{ski}~~ **snow recreation** area.

30 **Sec. 16.** NRS 455A.120 is hereby amended to read as follows:
31 455A.120 A skier **or snowboarder** shall not:

- 32 1. Use a ski **or snowboard** unless it is attached to the skier **or**
- 33 **snowboarder** by a strap or equipped with a device capable of
- 34 stopping the movement of the ski **or snowboard** when not attached
- 35 to the skier ~~{}~~ **or snowboarder;**
- 36 2. Cross the uphill path of a surface lift ~~{}~~ except at locations
- 37 designated by ~~{a-skiing}~~ **an** operator; or
- 38 3. Willfully stop where he obstructs a ~~{ski}~~ slope, run or trail,
- 39 or where he is not safely visible to uphill skiers ~~{}~~ **or snowboarders.**

40 **Sec. 17.** NRS 455A.130 is hereby amended to read as follows:
41 455A.130 1. ~~{A-skiing}~~ **An** operator shall prominently post- 42 and maintain signs in simple and concise language:

- 43 (a) By each ~~{ski}~~ **chair** lift, with information for the protection
- 44 and instruction of passengers; and



(b) At or near the points where passengers are loaded on a ~~{ski}~~ chair lift, directing persons who are not familiar with the operation of the ~~{ski}~~ chair lift to ask an authorized agent or employee of the ~~{skiing}~~ operator for assistance and instruction.

2. ~~{A-skiing}~~ An operator shall prominently post and maintain signs with the following inscriptions at all ~~{ski}~~ chair lifts in the locations indicated:

(a) "Remove pole straps from wrists" at an area for loading skiers;

(b) "Safety gate" where applicable;

(c) "Stay on tracks" where applicable;

(d) "Keep ski tips or snowboard up" ahead of any point where ~~{skis}~~ a ski or snowboard can regain contact with the ground or snowy surface after a passenger departs from an area for loading skiers ~~{}~~ or snowboarders;

(e) "Prepare to unload" and "check for loose clothing and equipment" not less than 50 feet from an area for unloading skiers ~~{}~~ or snowboarders; and

(f) "Unload here" at an area for unloading skiers ~~{}~~ or snowboarders.

3. ~~{A-skiing}~~ An operator shall inspect a ~~{ski}~~ snow recreation area for the presence and visibility of the signs required to be posted by this section each day before opening the ~~{ski}~~ snow recreation area for business.

Sec. 18. NRS 455A.140 is hereby amended to read as follows:

455A.140 1. ~~{A-skiing}~~ An operator shall post and maintain a system of signs:

(a) At the entrances to an established ~~{ski}~~ slope, run or trail to indicate:

(1) Whether any portion of the ~~{ski}~~ slope, run or trail is closed; and

(2) The relative degree of difficulty of the ~~{ski}~~ slope, run or trail;

(b) To indicate the boundary of the ~~{ski}~~ snow recreation area, except in heavily wooded areas or other terrain that cannot be skied or snowboarded readily; ~~{and}~~

(c) To warn of each area within the boundary of the ~~{ski}~~ snow recreation area where there is a danger of avalanche by posting signs stating "Warning: Avalanche Danger ~~{Area.}~~"

~~—2.— A-skiing} Area"; and~~

(d) To inform skiers and snowboarders that, pursuant to NRS 455A.170 it is a misdemeanor to engage in skiing or snowboarding, or embark on a chair lift that is proceeding predominantly uphill, while intoxicated or under the influence of



1 *a controlled substance, unless in accordance with a lawfully*
2 *issued prescription.*

3 2. An operator shall equip vehicles it uses on or in the vicinity
4 of a ~~{ski}~~ slope, run or trail with a light visible to skiers *or*
5 *snowboarders* when the vehicle is in motion.

6 Sec. 19. NRS 455A.150 is hereby amended to read as follows:

7 455A.150 A sign required to be posted pursuant to NRS
8 455A.130 and 455A.140 must be adequately illuminated at night, if
9 the ~~{ski}~~ *snow recreation* area is open to the public at night, and be
10 readable and recognizable under ordinary conditions of visibility.

11 Sec. 20. NRS 455A.160 is hereby amended to read as follows:

12 455A.160 1. A skier *or snowboarder* who sustains a personal
13 injury shall notify the ~~{skiing}~~ operator or a member of the ~~{ski}~~
14 patrol of the injury as soon as reasonably possible after discovery of
15 the injury.

16 2. ~~{A-skiing}~~ An operator is not liable for the death or injury of
17 a person or damages to property caused or sustained by a skier *or*
18 *snowboarder* who knowingly enters an area which is not designated
19 for skiing , *snowboarding* or which is outside the boundary of a
20 ~~{ski}~~ *snow recreation* area.

21 3. ~~{A-skiing}~~ An operator shall take reasonable steps to
22 minimize dangers and conditions within his control.

23 Sec. 21. NRS 455A.170 is hereby amended to read as follows:

24 455A.170 1. A skier *or snowboarder* shall not ~~{ski,}~~ *engage*
25 *in skiing or snowboarding*, or embark on a ~~{ski}~~ *chair* lift that is
26 proceeding predominantly uphill, while intoxicated or under the
27 influence of a controlled substance as defined in chapter 453 of NRS
28 ~~{}~~ unless in accordance with a lawfully issued prescription.

29 2. A skier *or snowboarder* who is involved in a collision in
30 which another person is injured shall provide his name and current
31 address to the injured person, the ~~{skiing}~~ operator or a member of
32 the ~~{ski}~~ patrol:

33 (a) Before he leaves the vicinity of the collision; or

34 (b) As soon as reasonably possible after leaving the vicinity of
35 the collision to secure aid for the injured person.

36 3. A person who violates a provision of this section is guilty of
37 a misdemeanor.

38 Sec. 22. NRS 455A.180 is hereby amended to read as follows:

39 455A.180 ~~{A-skiing}~~ An operator may revoke the license or
40 privilege ~~{to-ski}~~ of a person *to engage in skiing or snowboarding*
41 in a ~~{ski}~~ *snow recreation* area ~~{who}~~ *if the person* violates any ~~{of~~
42 ~~the provisions}~~ *provision* of NRS 455A.100, 455A.110, 455A.120
43 ~~{and}~~ *or* 455A.170.



1 **Sec. 23.** NRS 455A.190 is hereby amended to read as follows:
2 455A.190 This chapter does not prohibit a county, city or
3 unincorporated town from enacting an ordinance, not in conflict
4 with the provisions of this chapter, regulating skiers , *snowboarders*
5 or ~~skiing~~ operators.



