

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:

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

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

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

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

10 **Sec. 5.** NRS 455A.010 is hereby amended to read as follows:
11 455A.010 This chapter may be cited as the Skier *and*
12 *Snowboarder* Safety Act.

13 **Sec. 6.** NRS 455A.020 is hereby amended to read as follows:
14 455A.020 As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in NRS 455A.030 to
16 455A.090, inclusive, *and sections 2, 3 and 4 of this act* have the
17 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}~~ An operator shall equip vehicles it uses on or in the vicinity of a ~~{ski}~~ slope, run or trail with a light visible to skiers or snowboarders when the vehicle is in motion.

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

455A.150 A sign required to be posted pursuant to NRS 455A.130 and 455A.140 must be adequately illuminated at night, if



1 the ~~{ski}~~ **snow recreation** area is open to the public at night, and be
2 readable and recognizable under ordinary conditions of visibility.

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

4 455A.160 1. A skier **or snowboarder** who sustains a personal
5 injury shall notify the ~~{skiing}~~ operator or a member of the ~~{ski}~~
6 patrol of the injury as soon as reasonably possible after discovery of
7 the injury.

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

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

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

16 455A.170 1. A skier **or snowboarder** shall not ~~{ski,}~~ **engage**
17 **in skiing or snowboarding**, or embark on a ~~{ski}~~ **chair** lift that is
18 proceeding predominantly uphill, while intoxicated or under the
19 influence of a controlled substance as defined in chapter 453 of NRS
20 ~~{}~~ unless in accordance with a lawfully issued prescription.

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

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

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

28 3. A person who violates a provision of this section is guilty of
29 a misdemeanor.

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

31 455A.180 ~~{A-skiing}~~ **An** operator may revoke the license or
32 privilege ~~{to-ski}~~ of a person **to engage in skiing or snowboarding**
33 in a ~~{ski}~~ **snow recreation** area ~~{who}~~ **if the person** violates any ~~{of~~
34 ~~the provisions}~~ **provision** of NRS 455A.100, 455A.110, 455A.120
35 ~~{and}~~ **or** 455A.170.

36 **Sec. 23.** NRS 455A.190 is hereby amended to read as follows:

37 455A.190 This chapter does not prohibit a county, city or
38 unincorporated town from enacting an ordinance, not in conflict
39 with the provisions of this chapter, regulating skiers , **snowboarders**
40 or ~~{skiing}~~ operators.



