

SENATE BILL NO. 132—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
SUBCOMMITTEE TO STUDY THE
PROTECTION OF NATURAL TREASURES)

FEBRUARY 21, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning the liability of landowners, lessees and occupants of land to persons using premises for recreational activities. (BDR 3-212)

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

~

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

AN ACT relating to civil liability; revising the definition of a recreational activity for the purposes of the provision governing liability to persons using premises for a recreational activity; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 This bill amends existing law, which includes a nonexclusive list of activities
- 2 that are considered recreational activities for the purposes of the provision
- 3 governing liability to persons using premises for recreational activities, to provide
- 4 specifically that riding a road or mountain bicycle, cross-county skiing and
- 5 snowshoeing are recreational activities. (NRS 41.510)

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

- 1 **Section 1.** NRS 41.510 is hereby amended to read as follows:
- 2 41.510 1. Except as otherwise provided in subsection 3, an
- 3 owner of any estate or interest in any premises, or a lessee or an
- 4 occupant of any premises, owes no duty to keep the premises safe
- 5 for entry or use by others for participating in any recreational



* S B 1 3 2 R 1 *

1 activity, or to give warning of any hazardous condition, activity or
2 use of any structure on the premises to persons entering for those
3 purposes.

4 2. Except as otherwise provided in subsection 3, if an owner,
5 lessee or occupant of premises gives permission to another person to
6 participate in recreational activities, upon his premises:

7 (a) He does not thereby extend any assurance that the premises
8 are safe for that purpose or assume responsibility for or incur
9 liability for any injury to person or property caused by any act of
10 persons to whom the permission is granted.

11 (b) That person does not thereby acquire any property rights in
12 or rights of easement to the premises.

13 3. This section does not:

14 (a) Limit the liability which would otherwise exist for:

15 (1) Willful or malicious failure to guard, or to warn against, a
16 dangerous condition, use, structure or activity.

17 (2) Injury suffered in any case where permission to
18 participate in recreational activities ~~was~~ was granted for a
19 consideration other than the consideration, if any, paid to the
20 landowner by the State or any subdivision thereof. For the purposes
21 of this subparagraph, the price paid for a game tag sold pursuant to
22 NRS 502.145 by an owner, lessee or manager of the premises shall
23 not be deemed consideration given for permission to hunt on the
24 premises.

25 (3) Injury caused by acts of persons to whom permission to
26 participate in recreational activities was granted, to other persons as
27 to whom the person granting permission, or the owner, lessee or
28 occupant of the premises, owed a duty to keep the premises safe or
29 to warn of danger.

30 (b) Create a duty of care or ground of liability for injury to
31 person or property.

32 4. As used in this section, "recreational activity" includes, but is
33 not limited to:

34 (a) Hunting, fishing or trapping;

35 (b) Camping, hiking or picnicking;

36 (c) Sightseeing or viewing or enjoying archaeological, scenic,
37 natural or scientific sites;

38 (d) Hang gliding or para-gliding;

39 (e) Spelunking;

40 (f) Collecting rocks;

41 (g) Participation in winter sports, including *cross-country*
42 *skiing, snowshoeing or* riding a snowmobile, or water sports;

43 (h) Riding animals ~~for~~, *riding* in vehicles ~~for~~ *or riding a road*
44 *or mountain bicycle;*

45 (i) Studying nature;



* S B 1 3 2 R 1 *

- 1 (j) Gleaning;
- 2 (k) Recreational gardening; and
- 3 (l) Crossing over to public land or land dedicated for public use.
- 4 **Sec. 2.** The amendatory provisions of this act apply to a cause
- 5 of action that accrues on or after October 1, 2007.

