

Amendment No. 132

Senate Amendment to Senate Bill No. 195

(BDR 40-492)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

DY/BAW



Date: 4/12/2007

S.B. No. 195—Enacts provisions governing the operation and use of a recreation area. (BDR 40-492)



SENATE BILL NO. 195—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF DOUGLAS COUNTY)

MARCH 1, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Enacts provisions governing the operation and use of a recreation area. (BDR 40-492)

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.

~

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

AN ACT relating to recreation areas; prohibiting a person who uses a recreation area from engaging in certain conduct; requiring such a person to follow certain safety requirements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth prohibitions, penalties and duties for a person who operates or uses a skateboard park, amusement park or snow recreation area. (Chapters 455A and 455B of NRS) Generally those laws prohibit a person from engaging in certain activities at the park or snow recreation area, prescribe duties for the owner, operator or user of the park or area and specifically state that a county, city or unincorporated town may adopt additional ordinances governing the park or area as long as the ordinances do not conflict with existing statutes. (Chapters 455A and 455B of NRS)

This bill enacts similar prohibitions, penalties and duties for a person who operates or uses a recreation area. **Section 4** of this bill defines "recreation area" as a ~~trail~~ trailhead or water access ~~facility~~ **area**. **Section 8** of this bill prohibits certain conduct by a person using a recreation area. **Section 9** of this bill imposes certain duties on a person using a recreation area, such as a duty to locate and ascertain the meaning of any sign that is posted by the operator of the recreation area. **Section 10** of this bill absolves the operator of a recreation area **and an owner of private property** from liability for the death or injury of a person or for damage to property caused or sustained by a person using the recreation area if the person ~~unknowingly~~ enters an area ~~which is not designated for use or~~ which is outside the recreation area. **Section 10 also requires an operator to provide certain information about the recreation area at trailheads and water access areas.** **Section 11** of this bill prohibits a person from entering or using a recreation area while intoxicated or under the influence of a controlled substance. **Section 12** of this bill imposes a misdemeanor penalty against a person who fails to comply with certain reporting requirements occurring upon the person's involvement in a collision or an accident with another person. **Section 14** of this bill clarifies that the intent of the bill is not to preempt a county, city or unincorporated town from adopting additional ordinances which are consistent with this bill. **Section 14** also specifies that the

25 provisions of the bill are in addition to certain statutory and regulatory provisions relating to
26 state parks and state recreational areas.

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

Section 1. Chapter 455B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Operator" means ~~fa person, including~~ a government, governmental agency or political subdivision of a government ~~to who~~ that owns, controls, operates or manages a recreation area.

Sec. 4. "Recreation area" means a ~~trail~~ trailhead or water access area. The term does not include:

1. A snow recreation area as defined in NRS 455A.083; or

2. A skateboard park as defined in NRS 455B.240.

Sec. 5. ~~["Trail" means a path used for bicycling, cross country skiing, walking, jogging, horseback riding or any similar use.] (Deleted by amendment.)~~

Sec. 6. "Trailhead" means the beginning point of a trail, including, without limitation, any facility for parking, water or sanitation that is available for use at that point.

Sec. 7. "Water access area" includes, without limitation, a beach, ~~marina, river access facility,~~ river entry or exit point and land located at or below the ordinary high water mark of a navigable body of water within this State.

Sec. 8. A person shall not:

1. Fail or refuse to comply with:

(a) Reasonable instructions provided by an operator or an authorized agent or employee of an operator regarding the use of a recreation area; or

(b) Rules concerning safety that are posted on a sign in a conspicuous place by an operator;

2. Intentionally place, drop or throw any object in the path of a user of a recreation area;

3. Conduct himself in a manner that interferes with the safe operation of a recreation area or with the safety of other users of a recreation area; or

4. Trespass on any private property located in or adjacent to a recreation area.

Sec. 9. 1. A person using a recreation area shall, to the extent possible:

(a) Locate and ascertain:

(1) The meaning of any sign that is posted in or near the recreation area by the operator of the recreation area; and

(2) The boundaries of all private property adjoining the recreation area;

(b) Heed warnings and other information posted by the operator of the recreation area;

(c) Conduct himself in such a manner as to avoid injury to persons and damage to property in the recreation area;

(d) Familiarize himself with the natural conditions of the recreation area and any resulting dangerous conditions in the recreation area and any private property located in or adjacent to the recreation area; and

(e) Familiarize himself with any dangerous conditions relating to an irrigation system in or near the recreation area.

2. A person using a recreation area shall not tamper with or alter an irrigation system or any part of an irrigation system in the recreation area.

Sec. 10. 1. A person who enters a recreation area unlawfully shall be deemed to be a trespasser.

2. A person who sustains a personal injury while he is using a recreation area shall notify the operator or an authorized agent or employee of the operator of the injury as soon as reasonably possible.

3. ~~Except as otherwise provided by law, an operator or an owner of private property is not liable for the death or injury of a person or for damage to property caused or sustained by a person using a recreation area if the person knowingly enters an area which is not designated for use or~~ which is located outside the recreation area.

4. An operator shall take reasonable steps to minimize dangers and conditions of trailheads and water access areas within his control.

5. An operator shall post signs in conspicuous places or provide other information at trailheads and water access areas that:

(a) Identify the boundaries of the recreation area and immediately adjacent private property;

(b) Prescribe rules concerning safety, conduct and use; and

(c) Provide warnings about dangerous conditions and potential hazards.

Sec. 11. 1. A person shall not enter or use a recreation area while intoxicated or under the influence of a controlled substance, unless in accordance with:

(a) A prescription lawfully issued to the person; or

(b) The provisions of chapter 453A of NRS.

2. An operator or an authorized agent or employee of an operator may prohibit a person from entering or using a recreation area if he reasonably believes that the person is under the influence of alcohol, prescription drugs or a controlled substance. An operator or an authorized agent or employee of an operator is not civilly or criminally liable for prohibiting a person from entering or using a recreation area pursuant to this subsection.

Sec. 12. 1. A person using a recreation area who is involved in a collision or an accident in which another person is injured shall provide his name and current address to the injured person and the operator or an authorized agent or employee of the operator:

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

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

2. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 13. An operator may revoke the license or privilege of a person to use a recreation area if the person violates any provision of sections 2 to 14, inclusive, of this act.

Sec. 14. The provisions of sections 2 to 14, inclusive, of this act:

1. Do not prohibit a county, city or unincorporated town from adopting ordinances that regulate a recreation area which are consistent with the provisions of sections 2 to 14, inclusive, of this act.

2. Are in addition to any provision of chapter 407 of NRS or any regulation adopted pursuant to that chapter that is applicable to a recreation area.

Sec. 15. This act becomes effective on July 1, 2007.