

SENATE BILL NO. 156—SENATOR GUSTAVSON
(BY REQUEST)

FEBRUARY 16, 2011

Referred to Committee on Judiciary

SUMMARY—Limits the liability of certain persons involved with an off-road sporting event. (BDR 3-791)

FISCAL NOTE: Effect on Local Government: No.
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 liability of persons; limiting the liability of certain persons involved with an off-road sporting event; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that a promoter or organizer of an off-road sporting event, or a private property owner upon whose land such an event is held, is not liable for any civil damages resulting from any unintended act or omission by such a promoter, organizer or private property owner that relates to the promotion, organization or occurrence of an off-road sporting event. Such immunity from liability does not apply when the damages result from the gross negligence or intentional, reckless or wanton misconduct of the promoter, organizer or private property owner.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A promoter or organizer of an off-road sporting event in this State, or a private property owner upon whose land an off-road sporting event in this State is held, is not liable for any civil damages resulting from any unintended act or omission by such a promoter, organizer or property owner relating to the promotion, organization or occurrence of the off-road sporting event.



2. *The immunity provided by subsection 1 does not apply to damages resulting from the gross negligence or intentional, reckless or wanton misconduct of a promoter or organizer of an off-road sporting event or a private property owner upon whose land an off-road sporting event is held.*

3. *As used in this section, "off-road sporting event" means an organized event that involves the use of off-road vehicles which are intended for recreational use and which are not intended or designed for use on a public highway.*

Sec. 2. NRS 41.510 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 3, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to keep the premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises to persons entering for those purposes.

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

(a) The owner, lessee or occupant does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

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

3. This section does not:

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

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

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

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

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



- 1 ***(c) Apply to the circumstances set forth in section 1 of this act.***
2 4. As used in this section, “recreational activity” includes, but
3 is not limited to:
4 (a) Hunting, fishing or trapping;
5 (b) Camping, hiking or picnicking;
6 (c) Sightseeing or viewing or enjoying archaeological, scenic,
7 natural or scientific sites;
8 (d) Hang gliding or paragliding;
9 (e) Spelunking;
10 (f) Collecting rocks;
11 (g) Participation in winter sports, including cross-country skiing,
12 snowshoeing or riding a snowmobile, or water sports;
13 (h) Riding animals, riding in vehicles or riding a road or
14 mountain bicycle;
15 (i) Studying nature;
16 (j) Gleaning;
17 (k) Recreational gardening; and
18 (l) Crossing over to public land or land dedicated for public use.

