

SENATE BILL NO. 85—SENATOR HARDY

PREFILED JANUARY 31, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions limiting the liability of owners, lessees and occupants of premises under certain circumstances. (BDR 3-105)

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 civil liability; limiting the liability of certain persons whose premises are used for a course of instruction for motorcycle riders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under certain circumstances, existing law limits the liability of the owner,
2 lessee or occupant of any premises used by others for participating in any
3 recreational activity. (NRS 41.510) This bill expands that limitation of liability to
4 include circumstances where a person conducts or participates in a course of
5 instruction for motorcycle riders approved by the Director of the Department
6 of Public Safety and offered to persons enrolled in the Program for Education of
7 Motorcycle Riders established pursuant to chapter 486 of NRS.

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
6 activity ~~or~~ *or conducting or participating in a course of instruction*
7 *for motorcycle riders*, or to give warning of any hazardous
8 condition, activity or use of any structure on the premises to persons
9 entering for those purposes.



1 2. Except as otherwise provided in subsection 3, if an owner,
2 lessee or occupant of *any* premises gives permission to another
3 person to participate in recreational activities *or to conduct or*
4 *participate in a course of instruction for motorcycle riders* upon
5 those premises:

6 (a) The owner, lessee or occupant does not thereby extend any
7 assurance that the premises are safe for that purpose or assume
8 responsibility for or incur liability for any injury to person or
9 property caused by any act of persons to whom the permission is
10 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 granted for a consideration
19 other than the consideration, if any, paid to the landowner by the
20 State or any subdivision thereof. For the purposes of this
21 subparagraph, the price paid for a game tag sold pursuant to NRS
22 502.145 by an owner, lessee or manager of the premises shall not be
23 deemed consideration given for permission to hunt on the premises.

24 (3) Injury caused by acts of persons to whom permission to
25 participate in recreational activities *or to conduct or participate in a*
26 *course of instruction for motorcycle riders* was granted, to other
27 persons as to whom the person granting permission, or the owner,
28 lessee or occupant of the premises, owed a duty to keep the premises
29 safe or 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 ~~the~~ **“recreational”** :

33 (a) *“Course of instruction for motorcycle riders” means a*
34 *course of instruction approved by the Director of the Department*
35 *of Public Safety and offered to persons enrolled in the Program*
36 *for Education of Motorcycle Riders established pursuant to*
37 *NRS 486.372.*

38 (b) *“Recreational activity”* includes, but is not limited to:

39 ~~(a)~~ (1) Hunting, fishing or trapping;

40 ~~(b)~~ (2) Camping, hiking or picnicking;

41 ~~(c)~~ (3) Sightseeing or viewing or enjoying archaeological,
42 scenic, natural or scientific sites;

43 ~~(d)~~ (4) Hang gliding or paragliding;

44 ~~(e)~~ (5) Spelunking;

45 ~~(f)~~ (6) Collecting rocks;



- 1 ~~(e)~~ (7) Participation in winter sports, including cross-country
- 2 skiing, snowshoeing or riding a snowmobile, or water sports;
- 3 ~~(h)~~ (8) Riding animals, riding in vehicles or riding a road or
- 4 mountain bicycle;
- 5 ~~(i)~~ (9) Studying nature;
- 6 ~~(j)~~ (10) Gleaning;
- 7 ~~(k)~~ (11) Recreational gardening; and
- 8 ~~(l)~~ (12) Crossing over to public land or land dedicated for
- 9 public use.

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