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## Torts; Liability of Owners and Occupiers

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# Torts

## Torts; liability of owners and occupiers

N.R.S. §41.510 (amended).

AB 72 (Rhoads); STATS 1981, Ch 63

Existing law provides that an owner, lessee, or occupier of premises (1) owes no duty to warn persons using the premises for specified recreational purposes<sup>1</sup> of dangerous conditions,<sup>2</sup> (2) does not assure those entering that the premises are safe for these purposes,<sup>3</sup> and (3) by giving permission to use the premises does not render the person receiving permission an invitee to whom a duty of care is owed.<sup>4</sup> These limitations on liability apparently are intended to encourage landowners to allow persons the use of the land for the specified recreational purposes.<sup>5</sup> Chapter 63 further restricts the liability of owners and occupiers by relieving them of a duty to keep the premises safe for entry or to warn of existing dangers to persons who are *crossing over* the premises to public land.<sup>6</sup>

Owners or occupiers will continue to be subject to liability, however, when (1) injury results from the willful or malicious conduct of the owner or occupier,<sup>7</sup> (2) consideration is given, aside from any paid by the state, for permission to use the premises or cross over to public land,<sup>8</sup> or (3) the injury was caused by persons to whom permission to use the premises or cross over to public land was extended and the injured party is one to whom the owner or occupier owed a duty to keep the premises safe or warn of danger.<sup>9</sup>

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1. See N.R.S. §41.510 (hunting, fishing, trapping, camping, hiking, sightseeing, or for any other recreational purpose).

2. See *id.* §41.510 1.

3. See *id.*

4. See *id.* §41.510 2(a).

5. See *Gard v. United States*, 594 F.2d 1230, 1233 (9th Cir. 1979).

6. Compare N.R.S. §41.510 1, 2, 3(b), (c) with STATUTES OF NEVADA 1973, c. 559, §1, at 898.

7. See N.R.S. §41.510 3(a) (willful or malicious failure to guard, or to warn against, a dangerous condition or use).

8. See *id.* §41.510 3(b).

9. See *id.* §41.510 3(c).

