

ASSEMBLY BILL NO. 39—ASSEMBLYMAN MANENDO

PREFILED JANUARY 12, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits landlord of mobile home park from prohibiting tenant from exhibiting political sign within boundary of lot of tenant under certain circumstances and authorizes tenant to exhibit political sign in right of way of highway under certain circumstances. (BDR 10-1094)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 mobile home parks; prohibiting a landlord of a mobile home park from prohibiting a tenant from exhibiting a political sign within the boundary of the lot of the tenant under certain circumstances; authorizing a tenant to exhibit a political sign within the right of way of a highway under certain circumstances; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 118B of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 ***1. Except as otherwise provided in this subsection, a landlord or an***
4 ***agent or employee of a landlord shall not prohibit a tenant from***
5 ***exhibiting a political sign not larger than 24 inches by 36 inches within***
6 ***the boundary of the lot of the tenant. The restriction placed on a landlord***
7 ***or an agent or an employee of a landlord relative to a political sign is***
8 ***applicable only until 7 days after the general or special election for the***
9 ***office or ballot question to which the sign relates.***
10 ***2. As used in this section, “political sign” means a sign, display or***
11 ***device that:***
12 ***(a) Expresses support for or opposition to a candidate, political party***
13 ***or ballot question; or***
14 ***(b) Otherwise relates to a political campaign or election.***

1 **Sec. 2.** NRS 118B.210 is hereby amended to read as follows:

2 118B.210 1. The landlord shall not terminate a tenancy, refuse to
3 renew a tenancy, increase rent or decrease services he normally supplies, or
4 bring or threaten to bring an action for possession of a mobile home lot as
5 retaliation upon the tenant because:

6 (a) He has complained in good faith about a violation of a building,
7 safety or health code or regulation pertaining to a mobile home park to the
8 governmental agency responsible for enforcing the code or regulation.

9 (b) He has complained to the landlord concerning the maintenance,
10 condition or operation of the park or a violation of any provision of NRS
11 118B.040 to 118B.220, inclusive, and **section 1 of this act or NRS**
12 118B.240.

13 (c) He has organized or become a member of a tenants' league or similar
14 organization.

15 (d) He has requested the reduction in rent required by:

16 (1) NRS 118.165 as a result of a reduction in property taxes.

17 (2) NRS 118B.153 when a service, utility or amenity is decreased or
18 eliminated by the landlord.

19 (e) A citation has been issued to the landlord as the result of a complaint
20 of the tenant.

21 (f) In a judicial proceeding or arbitration between the landlord and the
22 tenant, an issue has been determined adversely to the landlord.

23 2. A landlord, manager or assistant manager of a mobile home park
24 shall not willfully harass a tenant.

25 3. As used in this section, "harass" means to threaten or intimidate,
26 through words or conduct, with the intent to affect the terms or conditions of
27 a tenancy or the tenant's exercise of his rights pursuant to this chapter.

28 **Sec. 3.** NRS 405.030 is hereby amended to read as follows:

29 405.030 1. Except **as otherwise provided in subsection 3 and except**
30 within the limits of any city or town through which the highway may run,
31 and on benches and shelters for passengers of public mass transportation
32 built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188,
33 or 268.081 and 268.083, it is unlawful for any person, firm or corporation
34 to paste, paint, print or in any manner whatever place or attach to any
35 building, fence, gate, bridge, rock, tree, board, structure, or anything
36 whatever, any written, printed, painted or other outdoor advertisement, bill,
37 notice, sign, picture, card or poster:

38 (a) Within any right of way of any state highway or road which is owned
39 or controlled by the department of transportation.

40 (b) Within 20 feet of the main traveled way of any unimproved highway.

41 (c) On the property of another within view of any such highway, without
42 the owner's written consent.

2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the department of transportation.

3. A tenant of a mobile home park may exhibit a political sign within a right of way of a state highway or road which is owned or controlled by the department of transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in section 1 of this act. As used in this subsection, the term "political sign" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, or 268.081 and 268.083, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in ~~subsection 3,~~ *subsections 3 and 4*, be placed within the highway right of way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the department of transportation, counties, towns or cities of this state may place at such points as are designated by the director of the department of transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The department of transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the department of transportation; or

1 (b) The person owns real property adjacent to an interstate highway and:

2 (1) The person has dedicated to a public authority a fee or perpetual
3 easement interest in at least one acre of the property for the construction or
4 maintenance, or both, of the highway over which he is placing the sign,
5 signboard, board or other material and the person retained the air rights in
6 the airspace above the property for which the person has dedicated the
7 interest;

8 (2) The sign, signboard, board or other material is located in the
9 airspace for which the person retained the air rights;

10 (3) The structure that supports the sign, signboard, board or other
11 material is not located on the property for which the person dedicated the
12 fee or easement interest to the public authority, and the public authority
13 determines that the location of the structure does not create a traffic hazard;
14 and

15 (4) The purpose of the sign, signboard, board or other material is to
16 identify an establishment or activity that is located on the real property
17 adjacent to the interstate highway, or services rendered or goods provided
18 or sold on that property.

19 4. *A tenant of a mobile home park may exhibit a political sign within*
20 *a right of way of a state highway or road which is owned or controlled by*
21 *the department of transportation if the tenant exhibits the sign within the*
22 *boundary of his lot and in accordance with the requirements and*
23 *limitations set forth in section 1 of this act. As used in this subsection, the*
24 *term "political sign" has the meaning ascribed to it in section 1 of this*
25 *act.*

26 5. If any such sign is placed in violation of this section it is thereby
27 declared a public nuisance and may be removed forthwith by the
28 department of transportation or the public authority.

29 ~~5.~~ 6. Any person placing any such sign in violation of the provisions
30 of this section shall be punished by a fine of not more than \$250, and is also
31 liable in damages for any injury or injuries incurred or for injury to or loss
32 of property sustained by any person by reason of the violation.