

Assembly Bill No. 627–Committee on Transportation

CHAPTER.....

AN ACT relating to transportation; authorizing certain advertising in airspace over highways; requiring the department of transportation to establish fees for authorizing the use of trade-marks and symbols that identify individual enterprises on directional or informational signs and for providing information concerning commercial attractions; revising certain fees for providing information to the members of the general public; and providing other matters properly relating thereto.

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

Section 1. 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) ~~Be~~ *Except as otherwise provided in subsection 3, be* placed upon or over any state highway.

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

(c) ~~Be~~ *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

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

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

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

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

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

4. If any such sign is placed in violation of this section it is thereby declared a public nuisance and may be removed forthwith by the department of transportation or ~~its employees.~~ *the public authority.*

~~4.~~ 5. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

Sec. 2. NRS 408.557 is hereby amended to read as follows:

408.557 1. The director shall adopt regulations:

(a) Governing the size, shape, lighting and other characteristics of a sign to be erected ~~in~~ *at* such a location;

(b) ~~Permitting~~ *Authorizing* the use of trade-marks and symbols identifying an individual enterprise on a sign erected ~~in such a~~ *at the* location;

(c) Fixing the qualifications of a person or governmental agency to operate a center and of an enterprise to be identified on a directional or informational sign;

(d) Fixing reasonable fees ~~for providing information about accommodations and commercial services,~~ to recover the actual administrative cost incurred by the ~~department; and~~ *department for:*

(1) Authorizing the use of trade-marks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing information concerning commercial attractions and services;

(e) *Fixing reasonable fees, based upon the market value as determined by the department, for:*

(1) Authorizing the use of trade-marks and symbols identifying an individual enterprise on a directional or informational sign in an urban area of a county whose population is 100,000 or more; and

(2) Providing information in an urban area of a county whose population is 100,000 or more concerning commercial attractions and services; and

(f) Otherwise necessary to carry out the provisions of NRS 408.551 to 408.567, inclusive.

2. The regulations adopted by the director pursuant to subsection 1 must be consistent with the provisions of 23 U.S.C. § 131.

Sec. 3. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the department from:

(a) Fees for ~~providing information;~~ :

(1) Authorizing the use of trade-marks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing information concerning commercial attractions and services;

(b) Participants in a telephone system established to reserve accommodations for travelers; and

(c) Appropriations made by the legislature for the purposes of NRS 408.551 to 408.567, inclusive, must be deposited with the state treasurer for credit to the account for systems of providing information to the traveling public in the state highway fund, which is hereby created.

2. Money in the account must only be used to carry out the provisions of NRS 408.551 to 408.567, inclusive.

Sec. 4. NRS 484.287 is hereby amended to read as follows:

484.287 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and ***except as otherwise provided in subsection 4,*** a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal or marking bearing thereon any commercial advertising 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.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a

highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

Sec. 5. This act becomes effective upon passage and approval.

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