
ASSEMBLY BILL NO. 239—ASSEMBLYMAN HARDY

MARCH 21, 2005

Referred to Committee on Transportation

SUMMARY—Revises certain provisions relating to transportation.
(BDR 43-566)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 transportation; providing under certain circumstances for the examination of a holder of a driver's license; authorizing the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver's license or identification card; requiring the Department to send a notice of suspension of registration to certain owners of motor vehicles; transferring the authority to provide for benches and shelters for passengers of public mass transportation from local governments to the regional transportation commission in certain larger counties; requiring the regional transportation commission to establish an advisory committee to provide information and advice to the regional transportation commission concerning the construction and maintenance of those benches and shelters; revising certain provisions relating to the licensure of authorized inspection stations; 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. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *A person who is 18 years of age or older may file with the Department a report requesting that the Department examine a licensee who:*

(a) Is related to the person filing the report within the third degree of consanguinity or who is the spouse of the person filing the report; and

(b) The person filing the report reasonably and in good faith believes cannot safely operate a motor vehicle.

2. *The report described in subsection 1 must:*

(a) Include the name, relationship, address, telephone number and signature of the person filing the report.

(b) State the person's basis for believing that the licensee cannot safely operate a motor vehicle, which basis must be:

(1) Personal observation or physical evidence of a physical or medical condition that has the potential to impair the ability of the licensee to operate a motor vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle;

(2) Personal knowledge that the driving record of the licensee indicates the unsafe operation of a motor vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle; or

(3) An investigation by a law enforcement officer.

(c) Be kept confidential, except that the report must be released upon request of the licensee or an order of a court of competent jurisdiction.

↪ No person may file more than one report concerning the same licensee within a 12-month period.

3. *The Director shall prescribe:*

(a) A standard form to be used for the filing of a report pursuant to this section; and

(b) The procedure to be used for the filing of a report pursuant to this section.

Sec. 3. 1. *If the Department receives a report filed pursuant to section 2 of this act, the Department shall, upon written notice to the licensee of at least 5 days, require the licensee to submit to all or part of the regular examination set forth in NRS 483.330.*



1 *Upon conclusion of the examination, the Department shall take*
2 *action as it deems appropriate and may suspend or revoke the*
3 *license of the person or allow him to retain the license, or may*
4 *issue a license subject to restriction as described in NRS 483.360*
5 *or restrictions as to the type or class of vehicle that may be driven.*
6 *Refusal or neglect on the part of the licensee to submit to the*
7 *examination is grounds for suspension or revocation of his*
8 *license.*

9 2. *A person whose driver's license is restricted, suspended or*
10 *revoked pursuant to this section may request a total or partial*
11 *reinstatement of that license. An appropriate replacement license*
12 *must be issued to the licensee upon his satisfactory completion of*
13 *the requirements for reinstatement established by the Department*
14 *pursuant to NRS 483.495.*

15 **Sec. 4.** 1. *The Department may adopt regulations*
16 *establishing a program for the imprinting of a symbol or other*
17 *indicator of a medical condition on a driver's license or*
18 *identification card issued by the Department.*

19 2. *Regulations adopted pursuant to subsection 1 must require*
20 *the symbol or other indicator of a medical condition which is*
21 *imprinted on a driver's license or identification card to conform*
22 *with the International Classification of Diseases, Ninth Revision,*
23 *Clinical Modification, or the most current revision, adopted by the*
24 *National Center for Health Statistics and the Centers for Medicare*
25 *and Medicaid Services.*

26 3. *The Department may apply for and accept any gift, grant,*
27 *appropriation or other donation to assist in carrying out a*
28 *program established pursuant to the provisions of this section.*

29 **Sec. 5.** NRS 483.010 is hereby amended to read as follows:

30 483.010 The provisions of NRS 483.010 to 483.630, inclusive,
31 *and sections 2, 3 and 4 of this act* may be cited as the Uniform
32 Motor Vehicle Drivers' License Act.

33 **Sec. 6.** NRS 483.340 is hereby amended to read as follows:

34 483.340 1. The Department shall, upon payment of the
35 required fee, issue to every qualified applicant a driver's license
36 indicating the type or class of vehicles the licensee may drive. The
37 license must bear a unique number assigned to the licensee pursuant
38 to NRS 483.345, the licensee's social security number, if he has one,
39 unless he requests that it not appear on the license, the name, date of
40 birth, mailing address and a brief description of the licensee, and a
41 space upon which the licensee shall write his usual signature in ink
42 immediately upon receipt of the license. A license is not valid until
43 it has been so signed by the licensee.

44 2. The Department may issue a driver's license for purposes of
45 identification only for use by officers of local police and sheriffs'



1 departments, agents of the Investigation Division of the Department
2 of Public Safety while engaged in special undercover investigations
3 relating to narcotics or prostitution or for other undercover
4 investigations requiring the establishment of a fictitious identity,
5 federal agents while engaged in undercover investigations,
6 investigators employed by the Attorney General while engaged in
7 undercover investigations and agents of the State Gaming Control
8 Board while engaged in investigations pursuant to NRS 463.140. An
9 application for such a license must be made through the head of the
10 police or sheriff's department, the Chief of the Investigation
11 Division of the Department of Public Safety, the director of the
12 appropriate federal agency, the Attorney General or the Chairman of
13 the State Gaming Control Board. Such a license is exempt from the
14 fees required by NRS 483.410. The Department, by regulation, shall
15 provide for the cancellation of any such driver's license upon the
16 completion of the special investigation for which it was issued.

17 3. Information pertaining to the issuance of a driver's license
18 pursuant to subsection 2 is confidential.

19 4. It is unlawful for any person to use a driver's license issued
20 pursuant to subsection 2 for any purpose other than the special
21 investigation for which it was issued.

22 5. At the time of the issuance or renewal of the driver's license,
23 the Department shall:

24 (a) Give the holder the opportunity to have indicated on his
25 driver's license that he wishes to be a donor of all or part of his body
26 pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make
27 an anatomical gift of his body or part of his body;

28 (b) Give the holder the opportunity to have indicated whether he
29 wishes to donate \$1 or more to the Anatomical Gift Account created
30 by NRS 460.150; ~~and~~

31 (c) Provide to each holder who is interested in becoming a donor
32 information relating to anatomical gifts, including the procedure for
33 registration as a donor with The Living Bank International or its
34 successor organization ~~it~~; and

35 *(d) If the Department has established a program for*
36 *imprinting a symbol or other indicator of a medical condition on a*
37 *driver's license pursuant section 4 of this act, give the holder the*
38 *opportunity to have a symbol or other indicator of a medical*
39 *condition imprinted on his driver's license.*

40 6. If the holder wishes to make a donation to the Anatomical
41 Gift Account, the Department shall collect the donation and deposit
42 the money collected in the State Treasury for credit to the
43 Anatomical Gift Account.

44 7. The Department shall submit to The Living Bank
45 International, or its successor organization, information from the



1 records of the Department relating to persons who have drivers'
2 licenses that indicate the intention of those persons to make an
3 anatomical gift. The Department shall adopt regulations to carry out
4 the provisions of this subsection.

5 **Sec. 7.** NRS 483.410 is hereby amended to read as follows:

6 483.410 1. Except as otherwise provided in subsection 6, for
7 every driver's license, including a motorcycle driver's license,
8 issued and service performed, the following fees must be charged:

9	
10	A license issued to a person 65 years of age or older \$14
11	An original license issued to any other person..... 19
12	A renewal license issued to any other person 19
13	Reinstatement of a license after suspension, revocation
14	or cancellation, except a revocation for a violation
15	of NRS 484.379 or 484.3795 or pursuant to NRS
16	484.384 and 484.385..... 40
17	Reinstatement of a license after revocation for a
18	violation of NRS 484.379 or 484.3795 or pursuant
19	to NRS 484.384 and 484.385..... 65
20	A new photograph, change of name, change of other
21	information, except address, or any combination 5
22	A duplicate license 14
23	

24 2. For every motorcycle endorsement to a driver's license, a
25 fee of \$5 must be charged.

26 3. If no other change is requested or required, the Department
27 shall not charge a fee to convert the number of a license from the
28 licensee's social security number, or a number that was formulated
29 by using the licensee's social security number as a basis for the
30 number, to a unique number that is not based on the licensee's social
31 security number.

32 4. The increase in fees authorized by NRS 483.347 and the fees
33 charged pursuant to NRS 483.383 and 483.415 must be paid in
34 addition to the fees charged pursuant to subsections 1 and 2.

35 5. A penalty of \$10 must be paid by each person renewing his
36 license after it has expired for a period of 30 days or more as
37 provided in NRS 483.386 unless he is exempt pursuant to that
38 section.

39 6. The Department may not charge a fee for the reinstatement
40 of a driver's license that has been:

- 41 (a) Voluntarily surrendered for medical reasons; or
- 42 (b) Cancelled pursuant to NRS 483.310.

43 7. All fees and penalties are payable to the Administrator at the
44 time a license or a renewal license is issued.



8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, *or subsection 5 of section 4 of this act*, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 8. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder.

(d) The date of birth of the holder.

(e) The current address of the holder in this State.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; ~~and~~

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization ~~and~~; *and*

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant section 4 of this act, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.



1 7. The Department shall submit to The Living Bank
2 International, or its successor organization, information from the
3 records of the Department relating to persons who have
4 identification cards issued by the Department that indicate the
5 intention of those persons to make an anatomical gift. The
6 Department shall adopt regulations to carry out the provisions of
7 this subsection.

8 8. As used in this section, "photograph" has the meaning
9 ascribed to it in NRS 483.125.

10 **Sec. 9.** NRS 484.287 is hereby amended to read as follows:

11 484.287 1. It is unlawful for any person to place, maintain or
12 display upon or in view of any highway any unauthorized sign,
13 signal, marking or device which purports to be or is an imitation of
14 or resembles an official traffic-control device or railroad sign or
15 signal, or which attempts to direct the movement of traffic, or which
16 hides from view or interferes with the effectiveness of any such
17 device, sign or signal, and except as otherwise provided in
18 subsection 4, a person shall not place or maintain nor may any
19 public authority permit upon any highway any sign, signal or
20 marking bearing thereon any commercial advertising except on
21 benches and shelters for passengers of public mass transportation for
22 which a franchise has been granted pursuant to NRS 244.187 and
23 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 15*
24 *of this act*, or on monorail stations.

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

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

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

38 5. If a franchisee receives revenues from commercial
39 advertising authorized by subsection 1 and the franchisee is
40 obligated to repay a bond issued by the State of Nevada, the
41 franchisee shall use all revenue generated by the advertising
42 authorized by subsection 1 to meet its obligations to the State of
43 Nevada as set forth in the financing agreement and bond indenture,
44 including, without limitation, the payment of operations and
45 maintenance obligations, the funding of reserves and the payment of



1 debt service. To the extent that any surplus revenue remains after
2 the payment of all such obligations, the surplus revenue must be
3 used solely to repay the bond until the bond is repaid.

4 6. As used in this section, "monorail station" means:

5 (a) A structure for the loading and unloading of passengers from
6 a monorail for which a franchise has been granted pursuant to NRS
7 705.695 or an agreement has been entered into pursuant to NRS
8 705.695; and

9 (b) Any facilities or appurtenances within such a structure.

10 **Sec. 10.** NRS 485.317 is hereby amended to read as follows:

11 485.317 1. Subject to the limitations set forth in this
12 subsection and subsection 2, the Department shall, at least monthly,
13 compare the current registrations of motor vehicles to the
14 information in the database created pursuant to NRS 485.313 to
15 verify that each motor vehicle:

16 (a) Which is newly registered in this State; or

17 (b) For which a policy of liability insurance has been issued,
18 amended or terminated,

19 ➔ is covered by a policy of liability insurance as required by NRS
20 485.185. In identifying a motor vehicle for verification pursuant to
21 this subsection, the Department may, if the motor vehicle was
22 manufactured during or after 1981, use only the last eight digits of
23 the vehicle identification number. In comparing the vehicle
24 identification number of a motor vehicle to the vehicle identification
25 number in a policy of liability insurance, to determine if the two
26 vehicle identification numbers match, the Department may find that
27 the two vehicle identification numbers match if no fewer than seven
28 of the last eight digits of the two vehicle identification numbers
29 match.

30 2. Except as otherwise provided in this subsection, the
31 Department may use any information to verify, pursuant to
32 subsection 1, whether the motor vehicle is covered by a policy of
33 liability insurance as required by NRS 485.185. The Department
34 may not use the name of the owner of a motor vehicle as the
35 primary means of verifying that a motor vehicle is covered by a
36 policy of liability insurance.

37 3. If, pursuant to subsection 1, the Department determines that
38 a motor vehicle is not covered by a policy of liability insurance as
39 required by NRS 485.185, the Department shall send a form for
40 verification by first-class mail to each registered owner that it
41 determines has not maintained the insurance required by NRS
42 485.185. The owner shall complete the form with all the information
43 which is requested by the Department, including whether he carries
44 an owner's or operator's policy of liability insurance or a certificate
45 of self-insurance, and return the completed form within 20 days



1 after the date on which the form was mailed by the Department. If
2 the Department does not receive the completed form within 20 days
3 after it mailed the form to the owner, the Department shall send to
4 the owner a ~~[second form for verification]~~ *notice of suspension of*
5 *registration* by certified mail. The ~~[owner shall complete the form~~
6 ~~and return it]~~ *notice must inform the owner that unless he submits*
7 *a completed form* to the Department within 15 days after the date on
8 which ~~[it]~~ *the notice* was sent by the Department ~~[.]~~ *his registration*
9 *will be suspended pursuant to subsection 5.* This subsection does
10 not prohibit an authorized agent of the owner from providing to the
11 Department:

12 (a) The information requested by the Department pursuant to
13 this subsection.

14 (b) Additional information to amend or correct information
15 already submitted to the Department pursuant to this subsection.

16 4. When the Department receives a completed form for
17 verification, it shall verify the information on the form.

18 5. The Department shall suspend the registration and require
19 the return to the Department of the license plates of any vehicle for
20 which ~~[-]~~

21 ~~—(a) Neither of the forms]~~ *the form* for verification set forth in
22 subsection 3 is :

23 (a) *Not* returned to the Department by the registered owner or
24 his authorized agent within the period specified in that subsection;

25 (b) ~~[Either of the forms for verification set forth in subsection 3~~
26 ~~is returned]~~ *Returned* to the Department by the registered owner or
27 his authorized agent and the Department is not able to verify the
28 information on the form; or

29 (c) ~~[Either of the forms for verification set forth in subsection 3~~
30 ~~is returned]~~ *Returned* by the registered owner or his authorized
31 agent with an admission of having no insurance or without
32 indicating an insurer or the number of a motor vehicle liability
33 policy or a certificate of self-insurance.

34 6. If the Department suspends a registration pursuant to
35 subsection 5 because:

36 (a) Neither the owner nor his authorized agent returned a form
37 for verification within the specified period or the owner or his
38 authorized agent returned a form for verification that was not
39 completed sufficiently, and the owner or his authorized agent,
40 thereafter:

41 (1) Proves to the satisfaction of the Department that there
42 was a justifiable cause for his failure to do so;

43 (2) Submits a completed form regarding his insurance on the
44 date stated in the form mailed by the Department pursuant to
45 subsection 3; and



1 (3) Presents evidence of current insurance; or

2 (b) The owner or his authorized agent submitted to the
3 Department a form for verification containing information that the
4 Department was unable to verify and, thereafter, the owner or his
5 authorized agent presents to the Department:

6 (1) A corrected form or otherwise verifiable evidence setting
7 forth that the owner possessed insurance on the date stated in the
8 form; and

9 (2) Evidence of current insurance,

10 ➔ the Department shall rescind its suspension of the registration if it
11 is able to verify the information on the form or the other evidence
12 presented. The Department shall not charge a fee to reinstate a
13 registration, the suspension of which was rescinded pursuant to this
14 subsection. For the purposes of this subsection, "justifiable cause"
15 may include, but is not limited to, the fact that the owner did not
16 receive the form mailed by the Department pursuant to subsection 3.

17 7. Except as otherwise provided in subsections 8 and 9, if a
18 registered owner whose registration is suspended pursuant to
19 subsection 5, failed to have insurance on the date specified in the
20 form for verification, the Department shall reinstate the registration
21 of the vehicle and reissue the license plates only upon filing by the
22 registered owner of evidence of current insurance and payment of
23 the fee for reinstatement of registration prescribed in paragraph (a)
24 of subsection 6 of NRS 482.480.

25 8. If a registered owner proves to the satisfaction of the
26 Department that his vehicle was a dormant vehicle during the period
27 in which the information provided pursuant to NRS 485.314
28 indicated that there was no insurance for the vehicle, the Department
29 shall reinstate his registration and, if applicable, reissue his license
30 plates. If such an owner of a dormant vehicle failed to cancel the
31 registration for the vehicle in accordance with subsection 3 of NRS
32 485.320, the Department shall not reinstate his registration or
33 reissue his license plates unless the owner pays the fee set forth in
34 paragraph (b) of subsection 6 of NRS 482.480.

35 9. If the Department suspends the registration of a motor
36 vehicle pursuant to subsection 5 because the registered owner of the
37 motor vehicle failed to have insurance on the date specified in the
38 form for verification, and if the registered owner, in accordance with
39 regulations adopted by the Department, proves to the satisfaction of
40 the Department that he was unable to comply with the provisions of
41 NRS 485.185 on that date because of extenuating circumstances, the
42 Department may:

43 (a) Reinstate the registration of the motor vehicle and reissue the
44 license plates upon payment by the registered owner of a fee of \$50,



1 which must be deposited in the Account for Verification of
2 Insurance created by subsection 6 of NRS 482.480; or

3 (b) Rescind the suspension of the registration without the
4 payment of a fee.

5 ➡ The Department shall adopt regulations to carry out the
6 provisions of this subsection.

7 10. For the purposes of verification of insurance by the
8 Department pursuant to this section, a motor vehicle shall be
9 deemed to be covered by liability insurance unless the motor vehicle
10 is without coverage for a period of more than 7 days.

11 **Sec. 11.** NRS 244.187 is hereby amended to read as follows:

12 244.187 A board of county commissioners may, to provide
13 adequate, economical and efficient services to the inhabitants of the
14 county and to promote the general welfare of those inhabitants,
15 displace or limit competition in any of the following areas:

16 1. Ambulance service.

17 2. Taxicabs and other public transportation, unless regulated in
18 that county by an agency of the State.

19 3. Collection and disposal of garbage and other waste.

20 4. Operations at an airport, including but not limited to the
21 leasing of motor vehicles and the licensing of concession stands, but
22 excluding police protection and fire protection.

23 5. Water and sewage treatment, unless regulated in that county
24 by an agency of the State.

25 6. Concessions on, over or under property owned or leased by
26 the county.

27 7. Operation of landfills.

28 8. ~~Construction~~ *Except as otherwise provided in section 15*
29 *of this act, construction* and maintenance of benches and shelters
30 for passengers of public mass transportation.

31 **Sec. 12.** NRS 268.081 is hereby amended to read as follows:

32 268.081 The governing body of an incorporated city may, to
33 provide adequate, economical and efficient services to the
34 inhabitants of the city and to promote the general welfare of those
35 inhabitants, displace or limit competition in any of the following
36 areas:

37 1. Ambulance service.

38 2. Taxicabs and other public transportation, unless regulated in
39 that city by an agency of the State.

40 3. Collection and disposal of garbage and other waste.

41 4. Operations at an airport, including, but not limited to, the
42 leasing of motor vehicles and the licensing of concession stands, but
43 excluding police protection and fire protection.

44 5. Water and sewage treatment, unless regulated in that city by
45 an agency of the State.



6. Concessions on, over or under property owned or leased by the city.

7. Operation of landfills.

8. Search and rescue.

9. Inspection required by any city ordinance otherwise authorized by law.

10. ~~{Construction}~~ *Except as otherwise provided in section 15 of this act, construction* and maintenance of benches and shelters for passengers of public mass transportation.

11. Any other service demanded by the inhabitants of the city which the city itself is otherwise authorized by law to provide.

Sec. 13. NRS 269.128 is hereby amended to read as follows:

269.128 A town board or board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the town and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.

2. Taxicabs and other public transportation, unless regulated in that town by an agency of the State.

3. Collection and disposal of garbage and other waste.

4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.

5. Water and sewage treatment, unless regulated in that town by an agency of the State.

6. Concessions on, over or under property owned or leased by the town.

7. Operation of landfills.

8. ~~{Construction}~~ *Except as otherwise provided in section 15 of this act, construction* and maintenance of benches and shelters for passengers of public mass transportation.

Sec. 14. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. *In a county whose population is 400,000 or more:*

1. The commission shall provide for the construction and maintenance of benches and shelters for passengers of public mass transportation.

2. In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction and maintenance of such benches and shelters. The commission may:

(a) Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or



1 (b) *Grant an exclusive franchise to any person to provide those*
2 *services.*

3 3. *The commission shall post on each bench, and within each*
4 *shelter, a notice that provides a telephone number that a person*
5 *may use to report damage to the bench or shelter.*

6 4. *No board of county commissioners, governing body of an*
7 *incorporated city or town board may provide for the construction*
8 *or maintenance of benches and shelters for passengers of public*
9 *mass transportation.*

10 **Sec. 16.** 1. *In a county whose population is 400,000 or*
11 *more, the commission shall establish an advisory committee to*
12 *provide information and advice to the commission concerning the*
13 *construction and maintenance of benches and shelters for*
14 *passengers of public mass transportation in the county. The*
15 *membership of the advisory committee must consist of:*

16 (a) *Two members of the general public from each city within*
17 *the county who are appointed by the governing body of that city;*
18 *and*

19 (b) *Six members of the general public appointed by the*
20 *commission.*

21 2. *Each member of the advisory committee serves a term of 1*
22 *year. A member may be reappointed for additional terms of 1 year*
23 *in the same manner as the original appointment.*

24 3. *A vacancy occurring in the membership of the advisory*
25 *committee must be filled in the same manner as the original*
26 *appointment.*

27 4. *The advisory committee shall meet at least six times*
28 *annually.*

29 5. *At its first meeting and annually thereafter, the advisory*
30 *committee shall elect a chairman and vice chairman from among*
31 *its members.*

32 6. *Each member of the advisory committee serves without*
33 *compensation and is not entitled to receive a per diem allowance*
34 *or travel expenses.*

35 **Sec. 17.** NRS 405.030 is hereby amended to read as follows:

36 405.030 1. Except as otherwise provided in subsection 3 and
37 except within the limits of any city or town through which the
38 highway may run, and on benches and shelters for passengers of
39 public mass transportation built pursuant to a franchise granted
40 pursuant to NRS 244.187 and 244.188, 268.081 and 268.083,
41 269.128 and 269.129, *or section 15 of this act*, or on monorail
42 stations, it is unlawful for any person, firm or corporation to paste,
43 paint, print or in any manner whatever place or attach to any
44 building, fence, gate, bridge, rock, tree, board, structure or anything



1 whatever, any written, printed, painted or other outdoor
2 advertisement, bill, notice, sign, picture, card or poster:

3 (a) Within any right-of-way of any state highway or road which
4 is owned or controlled by the Department of Transportation.

5 (b) Within 20 feet of the main-traveled way of any unimproved
6 highway.

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

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

14 3. A tenant of a mobile home park may exhibit a political sign
15 within a right-of-way of a state highway or road which is owned or
16 controlled by the Department of Transportation if the tenant exhibits
17 the sign within the boundary of his lot and in accordance with the
18 requirements and limitations set forth in NRS 118B.145. As used in
19 this subsection, the term "political sign" has the meaning ascribed to
20 it in NRS 118B.145.

21 4. If a franchisee receives revenues from an advertisement, bill,
22 notice, sign, picture, card or poster authorized by subsection 1 and
23 the franchisee is obligated to repay a bond issued by the State of
24 Nevada, the franchisee shall use all revenue generated by the
25 advertisement, bill, notice, sign, picture, card or poster authorized
26 by subsection 1 to meet its obligations to the State of Nevada as set
27 forth in the financing agreement and bond indenture, including,
28 without limitation, the payment of operations and maintenance
29 obligations, the funding of reserves and the payment of debt service.
30 To the extent that any surplus revenue remains after the payment of
31 all such obligations, the surplus revenue must be used solely to
32 repay the bond until the bond is repaid.

33 5. As used in this section, "monorail station" means:

34 (a) A structure for the loading and unloading of passengers from
35 a monorail for which a franchise has been granted pursuant to NRS
36 705.695 or an agreement has been entered into pursuant to NRS
37 705.695; and

38 (b) Any facilities or appurtenances within such a structure.

39 **Sec. 18.** NRS 405.110 is hereby amended to read as follows:

40 405.110 1. Except on benches and shelters for passengers of
41 public mass transportation for which a franchise has been granted
42 pursuant to NRS 244.187 and 244.188, 268.081 and 268.083,
43 269.128 and 269.129, *or section 15 of this act*, or on monorail
44 stations, no advertising signs, signboards, boards or other materials
45 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 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

(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 1 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. 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 NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. 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 the public authority.

6. 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.

7. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

8. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.

Sec. 19. NRS 445B.775 is hereby amended to read as follows:

445B.775 The regulations adopted pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:

1. Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. *The regulations adopted pursuant*



1 *to NRS 445B.770 must provide that a facility licensed as an*
2 *authorized inspection station:*

3 *(a) Except as otherwise provided in paragraph (b), may not,*
4 *unless specifically authorized by the Commission, install, repair,*
5 *diagnose or adjust any component or system of a motor vehicle*
6 *that affects exhaust emissions.*

7 *(b) May perform the following activities in connection with a*
8 *motor vehicle:*

9 *(1) The changing of oil;*

10 *(2) The replacing of an oil filter, air filter, fuel filter, belt or*
11 *hose; and*

12 *(3) The servicing of a fuel injection system using methods*
13 *approved by the Division of Environmental Protection of the State*
14 *Department of Conservation and Natural Resources.*

15 2. Authorized maintenance stations, including criteria by which
16 any person may become qualified to install, repair and adjust
17 devices for the control of emissions for motor vehicles.

18 3. Authorized stations, including criteria by which any person
19 may become qualified to inspect, repair, adjust and install devices
20 for the control of emissions for motor vehicles.

21 **Sec. 20.** NRS 445B.785 is hereby amended to read as follows:

22 445B.785 1. The Department of Motor Vehicles shall adopt
23 regulations which:

24 (a) Prescribe requirements for licensing authorized inspection
25 stations, authorized maintenance stations, authorized stations and
26 fleet stations. *The regulations adopted by the Department of Motor*
27 *Vehicles pursuant to this paragraph must provide that a facility*
28 *licensed as an authorized inspection station:*

29 *(1) Except as otherwise provided in subparagraph (2), may*
30 *not, unless specifically authorized by the Commission, install,*
31 *repair, diagnose or adjust any component or system of a motor*
32 *vehicle that affects exhaust emissions.*

33 *(2) May perform the following activities in connection with*
34 *a motor vehicle:*

35 *(I) The changing of oil;*

36 *(II) The replacing of an oil filter, air filter, fuel filter,*
37 *belt or hose; and*

38 *(III) The servicing of a fuel injection system using*
39 *methods approved by the Division of Environmental Protection of*
40 *the State Department of Conservation and Natural Resources.*

41 (b) Prescribe the manner in which authorized inspection
42 stations, authorized stations and fleet stations inspect motor vehicles
43 and issue evidence of compliance.

44 (c) Prescribe the diagnostic equipment necessary to perform the
45 required inspection. The regulations must ensure that the equipment



1 complies with any applicable standards of the United States
2 Environmental Protection Agency.

3 (d) Provide for any fee, bond or insurance which is necessary to
4 carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

5 (e) Provide for the issuance of a pamphlet for distribution to
6 owners of motor vehicles. The pamphlet must contain information
7 explaining the reasons for and the methods of the inspections.

8 2. The Department of Motor Vehicles shall issue a copy of the
9 regulations to each authorized inspection station, authorized
10 maintenance station, authorized station and fleet station.

11 **Sec. 21.** On July 1, 2005, any contract for the construction and
12 maintenance of benches and shelters for passengers of public mass
13 transportation, or for an exclusive franchise to provide such
14 services, entered into by a local government in a county whose
15 population is 400,000 or more shall be deemed to be a contract with
16 the regional transportation commission for that county. All rights
17 and obligations of the local government on that date under such a
18 contract become the rights and obligations of the regional
19 transportation commission.

20 **Sec. 22.** 1. The regional transportation commission for a
21 county whose population is 400,000 or more shall, in accordance
22 with section 15 of this act, provide for the construction of at least a
23 total of 20 benches or shelters, or any combination thereof, for
24 passengers of public mass transportation during each fiscal year of
25 the 2005-2007 biennium.

26 2. In providing for the construction of benches and shelters
27 pursuant to subsection 1, the regional transportation commission
28 shall, to the extent practicable, give priority to the construction of
29 benches and shelters along fixed bus routes where the period of
30 waiting between buses is 45 minutes or more.

31 3. On or before January 1, 2007, the regional transportation
32 commission shall:

33 (a) Prepare a report that:

34 (1) Identifies the locations of the benches and shelters for
35 passengers of public mass transportation that were constructed
36 pursuant to subsection 1 during the 2005-2007 biennium;

37 (2) Describe the activities and plans of the regional
38 transportation commission relating to future construction of benches
39 and shelters for passengers of public mass transportation;

40 (3) Describe the activities and plans of the regional
41 transportation commission relating to the maintenance of the
42 benches and shelters, including, without limitation, any
43 renegotiation of existing contracts for the construction and
44 maintenance of benches and shelters for passengers of public mass
45 transportation; and



1 (4) Describe the activities of any advisory committees
2 created by the regional transportation commission, and of the
3 advisory committee established pursuant to section 16 of this act,
4 relating to the construction and maintenance of benches and shelters
5 for passengers of public mass transportation.

6 (b) Submit the report prepared pursuant to paragraph (a) to the
7 Director of the Legislative Counsel Bureau for transmittal to the
8 74th Session of the Legislature.

9 **Sec. 23.** 1. This section and sections 9, 11 to 18, inclusive,
10 21 and 22 of this act become effective on July 1, 2005.

11 2. Sections 1, 2, 3, 5, 10, 19 and 20 of this act become effective
12 on October 1, 2005.

13 3. Sections 4, 6, 7 and 8 of this act become effective on July 1,
14 2006.



