

**Amendment No. CA27**

First Conference Committee Amendment to Assembly Bill No. 239 Second Reprint (BDR 43-566)

**Proposed by:** First Conference Committee

**Amendment Box:**

**Resolves Conflicts with:** N/A

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Amend sec. 2, page 2, by deleting lines 23 through 26 and inserting:

***“3. The Director shall prescribe:”.***

Amend sec. 4, page 3, by deleting lines 15 through 27 and inserting:

***“3. The Department may apply for and accept any gift, grant,”.***

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

**“Sec. 9.** 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

---

JDA/JRS

Date: 6/5/2005

A.B. No. 239—Revises certain provisions relating to motor vehicles.



transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 15 of this act*, or on monorail stations.

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.

5. If a franchisee receives revenues from commercial advertising 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 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.

6. 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.”.

Amend the bill as a whole by renumbering sections 10 and 11 as sections 19 and 20 and adding new sections designated sections 11 through 18, following sec. 9, to read as follows:

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

244.187 A board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the county 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 county 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 county by an agency of the State.
6. Concessions on, over or under property owned or leased by the county.
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. 12.** NRS 268.081 is hereby amended to read as follows:

268.081 The governing body of an incorporated city may, to provide adequate, economical and efficient services to the inhabitants of the city 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 city 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 city by 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*

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

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

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

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

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

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

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

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

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

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

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

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

405.030 1. Except as otherwise provided in subsection 3 and except within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of

public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 15 of this act*, or on monorail stations, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

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

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

(c) On the property of another within view of any such highway, without 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 NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster 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 advertisement, bill, notice, sign, picture, card or poster 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.

5. 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. 18.** 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, 268.081 and 268.083, 269.128 and 269.129, *or section 15 of this act*, or on monorail stations, 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 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.”.

Amend the bill as a whole by deleting sec. 12 and adding new sections designated sections 21 through 23, following sec. 11, to read as follows:

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

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

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

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

(a) Prepare a report that:

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

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

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

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

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

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

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

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

Amend the title of the bill to read as follows:

“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.”.

Amend the summary of the bill to read as follows:

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