

ASSEMBLY BILL NO. 543—COMMITTEE
ON COMMERCE AND LABOR

MARCH 28, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the regulation of mobile billboards.
(BDR 35-824)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 public highways; providing for the regulation of mobile billboards in certain counties; requiring a mobile billboard business to pay an annual licensing fee; requiring a mobile billboard business to obtain and provide proof of insurance for its vehicles; requiring a mobile billboard business to obtain a bond indemnifying the State for damages as a result of the business; requiring yearly inspections of the vehicles used by a mobile billboard business; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, billboards, signs and other outdoor advertising are subject to certain restrictions. (NRS 405.020-405.100) **Section 11** of this bill prohibits the operation of a mobile billboard business within any county whose population is 400,000 or more (currently Clark County) without a license issued by the Director of the Department of Transportation. **Section 23** of this bill requires the sheriff of such a county or of the metropolitan police department located in such a county to enforce the provisions of this bill.

Section 16 of this bill requires a mobile billboard business to place a sticker issued by the Director on each of its mobile billboards. **Section 17** of this bill requires a mobile billboard business to pay an annual fee for each of its vehicles used as a mobile billboard.

Section 18 of this bill requires a mobile billboard business to maintain liability insurance for injury or death of persons or damage to property resulting from its business. **Section 19** of this bill requires a mobile billboard business to maintain its



15 vehicles used as mobile billboards in a safe condition and to obtain yearly
16 inspections of the vehicles.

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

1 **Section 1.** Chapter 405 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 23, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 23, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 to 9, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *“Department” means the Department of*
9 *Transportation.*

10 **Sec. 4.** *“Director” means the Director of the Department.*

11 **Sec. 5.** *“Employee” means a person who is hired, engaged or*
12 *authorized to perform any service on the premises of a licensee on*
13 *a full-time, part-time or contract basis, whether or not the person*
14 *is designated as an employee, independent contractor, agent or*
15 *otherwise and whether or not the person is compensated by the*
16 *licensee. The term does not include a person exclusively on the*
17 *premises of a licensee for repair or maintenance of the premises,*
18 *for the delivery of goods to the licensee or an attorney, accountant*
19 *or other similar person whose primary function is to provide*
20 *advice to the licensee.*

21 **Sec. 6.** *“Licensee” means a person who holds a license as a*
22 *mobile billboard business issued by the Director pursuant to*
23 *section 15 of this act.*

24 **Sec. 7.** *“Mobile billboard business” means a business that*
25 *provides advertising for a business, product or service on a vehicle*
26 *which is:*

- 27 1. *Used solely for advertising;*
28 2. *Owned or leased by such a business; and*
29 3. *Driven on a street by an employee of such a business.*

30 **Sec. 8.** *“Street” means that portion of any street, avenue,*
31 *boulevard, alley, highway or other public right-of-way located*
32 *within the unincorporated areas of a county that is open for use by*
33 *the general public for the purpose of vehicular traffic.*

34 **Sec. 9.** *“Vehicle” means every device in, upon or by which*
35 *any person or property is or may be transported or drawn upon a*
36 *street. The term does not include devices moved by human power*
37 *or used exclusively upon stationary rails or tracks.*

38 **Sec. 10.** *The provisions of sections 2 to 23, inclusive, of this*
39 *act:*



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1 1. Apply only in a county whose population is 400,000 or
2 more.

3 2. Do not apply to any business subject to the jurisdiction of
4 the Nevada Transportation Authority or Taxicab Authority.

5 3. Do not apply to any billboard, sign or other advertising to
6 which the provisions of NRS 405.020 to 405.100, inclusive, apply.

7 **Sec. 11.** Except as otherwise provided in sections 2 to 23,
8 inclusive, of this act, it is unlawful for a person to operate a
9 mobile billboard business without a valid license issued by the
10 Director pursuant to the provisions of sections 2 to 23, inclusive,
11 of this act.

12 **Sec. 12.** 1. An applicant for a license as a mobile billboard
13 business must submit to the Director:

14 (a) A completed application on a form prescribed and
15 furnished by the Director;

16 (b) A complete set of fingerprints of the applicant or, if the
17 applicant is not a natural person, a complete set of fingerprints of
18 each person who will have an ownership interest in or control of
19 the applicant, and written permission authorizing the Director to
20 forward the fingerprints to the Central Repository for Nevada
21 Records of Criminal History for submission to the Federal Bureau
22 of Investigation for its report;

23 (c) Proof that the applicant has made all required filings with
24 the Department of Taxation;

25 (d) Proof that the applicant has complied with the
26 requirements of the Division of Industrial Relations of the
27 Department of Business and Industry relating to occupational
28 safety and health;

29 (e) A copy of the valid, unexpired vehicle registration in
30 Nevada for each vehicle to be used by the applicant for the mobile
31 billboard business;

32 (f) Proof that the inspection required by section 19 of this act
33 has been successfully completed for each vehicle to be used by the
34 applicant for the mobile billboard business;

35 (g) A declaration of the form of business organization used by
36 the applicant;

37 (h) A declaration of the address at which the applicant's
38 business will be located;

39 (i) Proof of a drug and alcohol testing program and a
40 substance abuse program for the employees of the applicant that is
41 acceptable to the Director;

42 (j) Proof of insurance, as required by section 18 of this act;
43 and

44 (k) Any other information required by the Director to complete
45 the application.



2. An application submitted pursuant to this section must be accompanied by:

(a) The fee prescribed by section 17 of this act; and

(b) An affidavit stating that the information contained in the application and any accompanying material are complete and correct.

Sec. 13. 1. In addition to any other requirements set forth in sections 2 to 23, inclusive, of this act, an applicant for the issuance or renewal of a license as a mobile billboard business who is a natural person must:

(a) Include the social security number of the applicant in the application submitted to the Director.

(b) Submit to the Director the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Director shall include the statement required pursuant to subsection 1 in:

(a) The application or any other form that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Director.

3. A license for a mobile billboard business may not be issued or renewed by the Director if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. 1. If the Director receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the



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holder of a license as a mobile billboard business, the Director shall deem the license issued to that person to be suspended at the end of the 30th day after the date the court order was issued unless the Director receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Director shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Director receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. 1. The Director shall issue a license as a mobile billboard business to an applicant who meets the requirements imposed pursuant to sections 2 to 23, inclusive, of this act, unless:

(a) The application or any of the materials submitted with the application are incomplete or contain false, misleading or fraudulent statements;

(b) The business, as described in the application, would not comply with all applicable laws or regulations; or

(c) The applicant fails to satisfy any qualification or requirement relating to the operation of a mobile billboard business imposed by local, state or federal law or regulation.

2. A license as a mobile billboard business expires 1 year after the date of issuance.

3. To renew a license for a mobile billboard business, a licensee must, on or before the date of expiration of the license:

(a) Apply to the Director for renewal;

(b) Pay the fee prescribed by section 17 of this act;

(c) Provide proof of insurance, as required by section 18 of this act;

(d) Provide proof that the inspection required by section 19 of this act has been successfully completed for each vehicle operated as a mobile billboard by the mobile billboard business; and

(e) Submit all information required by the Director to complete the renewal.

4. A license as a mobile billboard business is not transferable.

Sec. 16. A licensee shall display in a prominent place on each vehicle used by the mobile billboard business a sticker issued by the Director showing proof of licensing.

Sec. 17. A licensee shall pay:



1 1. For the issuance of his or her license as a mobile billboard
2 business; and

3 2. For the renewal of his or her license as a mobile billboard
4 business,

5 ↳ a fee of \$1,000 for each vehicle operated as a mobile billboard
6 by the mobile billboard business.

7 **Sec. 18.** 1. A licensee shall file with the Director and
8 continuously maintain a policy of insurance for general liability
9 provided by an insurance company licensed by the Division of
10 Insurance of the Department of Business and Industry and
11 approved to do business in this State:

12 (a) In the amount of \$500,000 for bodily injury to or death of
13 one or more persons in any one accident; and

14 (b) In the amount of \$500,000 for injury to or destruction of
15 property of others in any one accident,

16 ↳ for the payment of tort liabilities arising from the maintenance
17 or use of any vehicle used by the mobile billboard business.

18 2. A licensee shall notify the Director not less than 30 days
19 before the alteration, cancellation, termination or nonrenewal of
20 the policy of insurance.

21 **Sec. 19.** 1. A licensee shall ensure that every vehicle
22 operated as a mobile billboard is maintained in a condition to be
23 operated safely upon the highways of the State, is equipped with
24 the equipment required pursuant to chapter 484D of NRS and
25 complies with all other applicable traffic laws and regulations.

26 2. Each vehicle operated as a mobile billboard must be
27 inspected at least once each year and be certified to be in
28 compliance with this section by a garage registered pursuant to
29 chapter 487 of NRS.

30 3. If a licensee fails to maintain a vehicle as required by this
31 section, the Director or the sheriff of the county or of the
32 metropolitan police department, or his or her deputies, may seize
33 and impound the vehicle.

34 **Sec. 20.** The Director may revoke, suspend, refuse to renew
35 or impose conditions or limitations upon a license as a mobile
36 billboard business if the Director finds, after notice and a hearing,
37 that:

38 1. The licensee has violated any provision of sections 2 to 23,
39 inclusive, of this act or any other statute or regulation;

40 2. Any grounds exist which would have warranted the denial
41 of the application for the license or for the renewal of the license;

42 3. The conduct or activities of the licensee or his or her
43 employees are a detriment to the safety, morals, health or general
44 welfare of the public;



1 4. The licensee has allowed his or her license for a mobile
2 billboard business to be displayed in a place of business other than
3 the location declared in the licensee's application; or

4 5. The licensee has operated outside of the scope of the
5 license as a mobile billboard business issued to the licensee.

6 **Sec. 21.** It is unlawful for a licensee to:

7 1. Use a billboard containing movable or rotating slats that
8 change messages with each movement or rotation, or any similar
9 display;

10 2. Position any display lights on a vehicle in such a manner
11 as to shine into or otherwise impede the vision of other drivers or
12 pedestrians on a street;

13 3. Use detachable trailer-drawn billboards that are drawn or
14 otherwise pulled by any type of vehicle, unless such billboards are
15 firmly affixed to the frame of the vehicle so that the billboard will
16 not topple or otherwise fall off the vehicle in any type of weather
17 conditions;

18 4. Knowingly stop or operate a vehicle in any manner that
19 would impede or interfere with the orderly flow of traffic on a
20 street;

21 5. Knowingly allow an employee to consume alcoholic
22 beverages or be intoxicated while driving a vehicle used by the
23 mobile billboard business;

24 6. Knowingly allow a vehicle to be driven by anyone other
25 than an employee of the mobile billboard business;

26 7. Allow anyone to drive a vehicle who has not received
27 training in the operation of the vehicle, including, without
28 limitation, safety precautions and procedures for emergency
29 circumstances;

30 8. Knowingly allow a vehicle to be driven in violation of local
31 or state traffic laws; or

32 9. Knowingly allow or require an employee to drive a vehicle
33 which, by reason of its mechanical condition, is hazardous to
34 operate or for which operation is likely to result in the breakdown
35 of the vehicle.

36 **Sec. 22.** A person who violates the provisions of sections 2 to
37 23, inclusive, of this act is guilty of a misdemeanor. Each day of
38 the violation constitutes a separate offense.

39 **Sec. 23.** The sheriff of the county or of the metropolitan
40 police department, and his or her deputies, shall enforce the
41 provisions of sections 2 to 23, inclusive, of this act.

42 **Sec. 24.** Notwithstanding the amendatory provisions of this
43 act, a person who, because of his or her lawful activities, is required
44 to obtain a license for a mobile billboard business pursuant to
45 sections 2 to 23, inclusive, of this act may continue his or her



1 activities without obtaining a license for a mobile billboard business
2 until April 1, 2012.

3 **Sec. 25.** 1. This act becomes effective upon passage and
4 approval for the purpose of performing any preparatory
5 administrative tasks that are necessary to carry out the provisions of
6 this act, and on January 1, 2012, for all other purposes.

7 2. Sections 13 and 14 of this act expire by limitation on the
8 date on which the provisions of 42 U.S.C. § 666 requiring each state
9 to establish procedures under which the state has authority to
10 withhold or suspend, or to restrict the use of professional,
11 occupational and recreational licenses of persons who:

12 (a) Have failed to comply with a subpoena or warrant relating to
13 a proceeding to determine the paternity of a child or to establish or
14 enforce an obligation for the support of a child; or

15 (b) Are in arrears in the payment for the support of one or more
16 children,

17 ➤ are repealed by the Congress of the United States.

