

Amendment No. 804

Assembly Amendment to Assembly Bill No. 447 First Reprint (BDR 35-1157)

Proposed by: Assembly Committee on Ways and Means

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DLJ/MSM



Date: 5/22/2013

A.B. No. 447—Revises provisions relating to roadside rest areas. (BDR 35-1157)



ASSEMBLY BILL NO. 447—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to roadside rest areas. (BDR 35-1157)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to highways; revising provisions relating to the construction, operation and maintenance of certain facilities to provide information ~~to, services or products~~ to the traveling public; increasing fines for certain violations committed in roadside parks or rest areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation to designate appropriate locations for the construction of certain roadside facilities and signs which provide information to members of the traveling public concerning accommodations, food, fuel and recreation. (NRS 408.551, 408.553) Existing law allows such facilities or signs to be erected or constructed and maintained by the Department or by a city, county or other governmental agency or private person, under contract with the Department. (NRS 408.553) Federal law newly authorizes a state to allow the installation of signs that acknowledge the sponsorship of a rest area, and to allow a private party to operate limited commercial activities at a rest area. (23 U.S.C. §§ 111, 131) **Section 3** of this bill allows the Director of the Department, with the approval of the Board of Directors of the Department, to authorize a private person to erect or construct, sponsor, operate or maintain a facility or a sign at a rest area, under contract with the Department. **Section 4** of this bill makes conforming changes to the authorization of the Department to adopt regulations regarding such facilities and signs. (NRS 408.557)

Existing law makes it unlawful for any person, firm, corporation, association or other entity, other than a public utility, to sell, exhibit or offer for sale certain goods and services or to erect, place, post or maintain certain signs in any roadside park or safety rest area in this State. A person who violates that provision, or any regulation adopted governing roadside parks or safety rest areas, shall be punished by a fine of not more than \$100 for a first offense and not more than \$500 for each subsequent offense. (NRS 408.433) **Section 1** of this bill raises the limit on a fine for a first such offense to not more than \$1,000, and for each subsequent offense to not more than \$5,000.

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

Section 1. NRS 408.433 is hereby amended to read as follows:
408.433 1. ~~It is~~ *Except as otherwise provided in NRS 408.553, it* is unlawful for any person, firm, corporation, association or other entity, other than a public utility, to:

(a) Sell, exhibit or offer for sale any goods, wares, products, merchandise or services; or

(b) Erect, place, post or maintain any sign, billboard, placard, notice or other form of advertising,

in any roadside park or safety rest area in this state, or in the approaches thereto.

2. Any person who violates any provision of this section or any regulation adopted under this chapter governing roadside parks or safety rest areas shall be punished by a fine of not more than ~~\$100~~ *\$1,000* for a first offense and not more than ~~\$500~~ *\$5,000* for each subsequent offense.

Sec. 2. NRS 408.551 is hereby amended to read as follows:

408.551 As used in NRS 408.551 to 408.567, inclusive, "center" means a facility, *including, without limitation, a safety rest area*, to provide information ~~to~~ *services or products* to members of the traveling public, concerning accommodations, food, fuel and recreation, through an attendant or some *other* means of communication.

Sec. 3. NRS 408.553 is hereby amended to read as follows:

408.553 1. The Director may designate appropriate locations for the construction of centers and the erection and maintenance of directional and informational signs within the right-of-way.

2. The signs or centers may be erected or constructed ~~and~~, *sponsored, operated or* maintained by:

~~It is~~ (a) The Department; ~~for~~

~~—2~~ (b) A city, county or other governmental agency, ~~for private person,~~ under contract with the Department ~~It is~~; or

(c) *A private person under contract with the Department, if the person has been authorized by the Director, with approval of the Board, to enter into such a contract.*

Sec. 4. 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 at a location designated pursuant to NRS 408.553;

(b) Authorizing the use of trademarks and symbols identifying an individual enterprise on a sign erected at the location;

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

(d) Fixing reasonable fees, based upon the market value as determined by the Department, for:

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

(2) Providing ~~information~~:

(I) *Information* ~~for services or products~~ concerning commercial attractions; and ~~services; and~~

(II) *Items designed to promote tourism in this State; and*

(e) 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. ~~§§ 111 and 131.~~

Sec. 5. ~~NRS 408.559 is hereby amended to read as follows:~~

~~408.559 The Department shall develop a plan, in cooperation with the Commission on Tourism, to carry out the provisions of NRS 408.551 to 408.567, inclusive. The plan must take into consideration such factors as:~~

~~1. Economic development in this state.~~

~~2. Availability of money for the purposes of NRS 408.551 to 408.567, inclusive.~~

~~3. Population in a particular area.~~

~~4. Proposed highway construction.~~

~~5. Need for information, *services or products.*~~

~~The Department and the Commission shall review the plan at least once each year and revise it until the provisions of NRS 408.551 to 408.567, inclusive, have been uniformly put into effect throughout the State. (Deleted by amendment.)~~

Sec. 6. ~~NRS 408.562 is hereby amended to read as follows:~~

~~408.562 The Director may recommend to the Board, for its approval, programs to provide information, *services or products* to the traveling public to be paid from such money as is available for this purpose pursuant to NRS 408.567. (Deleted by amendment.)~~

Sec. 7. NRS 408.563 is hereby amended to read as follows:

408.563 The Department may contract or enter into other agreements with governmental agencies in this state or an adjoining state or with private persons to study various systems of providing information ~~*services or products*~~ to the traveling public and to *erect or construct, sponsor, operate or maintain signs and centers* which provide ~~that~~ *such* information ~~*services or products*~~ *to the traveling public.*

Sec. 8. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the Department from:

(a) Fees for:

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

(2) Providing ~~information~~ :

*(I) Information ~~*services or products*~~ concerning commercial attractions ; and ~~services~~;*

(II) Items designed to promote tourism in this State;

(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. 9. This act becomes effective on July 1, 2013.