

Amendment No. 810

Senate Amendment to Assembly Bill No. 68 First Reprint (BDR 43-223)

Proposed by: Senate Committee on Transportation

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MNM/BAW



Date: 5/22/2017

A.B. No. 68—Revises provisions governing the administration of laws relating to transportation. (BDR 43-223)



ASSEMBLY BILL NO. 68—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Transportation

SUMMARY—Revises provisions ~~governing the administration of laws relating to transportation;~~ relating to public safety. (BDR 43-223)

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

~

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

AN ACT relating to ~~transportation;~~ public safety; revising provisions relating to the photograph on a driver's license; revising provisions governing the licensure and operation of schools for training drivers; revising provisions relating to the fees paid by a person 65 years of age or older for an identification card; revising provisions relating to the issuance of a commercial driver's license to a person who is not a resident of this State; revising provisions relating to the issuance of traffic citations; setting forth exceptions to certain restrictions on the placement of advertising on or near certain highways, rights-of-way, bridges or structures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department to issue a driver's license which bears a colored photograph of the licensee. (NRS 483.347) **Section 10** of this bill removes the requirement that the photograph be in color.

Existing law requires a person who seeks to operate a school for training drivers or to be an instructor for a school for training drivers to obtain a ~~driver's~~ license from the Department. (NRS 483.700) The Department may cancel, suspend, revoke or refuse to renew the ~~driver's~~ license if the licensee engages in certain acts or practices. (NRS 483.760) **Section 12** of this bill provides that the Department may also refuse to issue a license if the applicant engages in any of those certain acts or practices, and adds to the list of those acts or practices: (1) making a material misstatement on an application; (2) failing or refusing to provide any information requested by the Department regarding an application; and (3) conviction of a crime for a violation of any of the provisions of law governing schools for training drivers and instructors for a school for training drivers. Existing law also requires that each vehicle used for training drivers and operated on a highway is inspected annually. (NRS 483.745) **Section 11** of this bill requires that a vehicle be inspected within 30 days after initial use by the school for training drivers, and then inspected annually thereafter.

Existing law allows certain persons who do not hold a valid driver's license from any state or jurisdiction to obtain an identification card from the Department. (NRS 482.820) A person who is 65 years of age or older must pay a fee of \$4 for an original or duplicate

identification card. **Section 13** of this bill clarifies that the \$4 fee applies to such an identification card which expires on or before the fourth anniversary of the person's birthday and an \$8 fee applies to such an identification card which expires on or before the eighth anniversary of the person's birthday.

Existing law requires the Department to adopt regulations providing for the issuance of commercial drivers' licenses, but the regulations may not be more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. §§ 31301 et seq. (NRS 483.908) The Department may not issue a commercial driver's license or a commercial learner's permit, which allows a person to operate a commercial motor vehicle on the highways of this State if he or she is accompanied by the holder of a commercial driver's license, to a person unless the person is a resident of this State. (NRS 483.924, 483.934) Existing law prohibits a person who is a resident of this State for 30 days or more from driving a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. (NRS 483.932) Existing law authorizes the Department to issue a nonresident commercial driver's license or a nonresident commercial learner's permit to a person who is a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards or who is a resident of a state while that state is prohibited from issuing commercial drivers' licenses pursuant to federal regulations. (NRS 483.936) **Section 15** of this bill removes the authorization for the Department to issue a nonresident commercial driver's license or nonresident commercial learner's permit, and newly provides that the Department may only issue a limited-term commercial driver's license or limited-term commercial learner's permit to a resident of a foreign jurisdiction which the Federal Highway Administrator has determined does not test drivers and issue commercial drivers' licenses in accordance with federal standards. **Section 14** of this bill makes conforming changes to the fees for such a license.

Existing law authorizes a peace officer to issue a traffic citation to a person in the form of a complaint that contains a notice to appear in court. The person to whom the traffic citation is issued is authorized to give his or her written promise to appear in court by signing at least one copy of the traffic citation. (NRS 484A.630) Existing law provides that it is unlawful for a person to violate such a written promise to appear in court and authorizes the issuance of a warrant upon such a violation. (NRS 484A.670) Existing law also requires that a person be taken before a magistrate if: (1) the person is issued a traffic citation and refuses to give a written promise to appear in court; or (2) a peace officer has reasonable and probable grounds to believe that the person will disregard a written promise to appear in court. (NRS 484A.720, 484A.730) Finally, existing law provides that when such a person is taken into custody by a peace officer for the purpose of appearing before a magistrate, the person must be released from custody in certain circumstances upon the issuance of a traffic citation to the person and the person signing a written promise to appear in court. (NRS 484A.760)

Section 15.1 of this bill provides that if a person who is issued a traffic citation refuses to sign a copy of the traffic citation but accepts a copy of the citation delivered by a peace officer, such acceptance shall be deemed personal service of the notice to appear in court. Section 15.15 of this bill provides that it is unlawful for a person to fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation. Sections 15.2 and 15.25 of this bill, respectively, require that a person be taken before a magistrate if: (1) the person is issued a traffic citation and refuses to sign or accept a copy of the traffic citation; or (2) a peace officer has reasonable and probable grounds to believe that the person will disregard a notice to appear in court. Section 15.27 of this bill requires that a person taken into custody for the purpose of appearing before a magistrate be released from custody in certain circumstances upon the acceptance of a copy of a traffic citation.

Existing law authorizes a peace officer to prepare and issue a traffic citation to a child in certain circumstances pursuant to the same criteria as would apply to an adult violator. If the child executes a written promise to appear in court by signing the citation, the peace officer is prohibited from taking the child into physical custody for the violation. (NRS 62C.070) Section 15.4 of this bill provides that if such a child refuses to execute a written promise to appear in court but accepts a copy of the citation

delivered by the peace officer, such acceptance shall be deemed personal service of the notice to appear in court.

Existing law restricts the placement of advertising on or near certain highways, rights-of-way, bridges or structures, with certain exceptions for benches and shelters for passengers of mass transit and monorail stations. (NRS 405.110, 410.320, 484B.313) Sections 15.3 ~~to~~, 15.5 and 15.7 of this bill add to the exceptions from those restrictions certain advertisements on a touchdown structure, which is the tower attached to a pedestrian bridge and which houses an elevator.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view ~~colored~~ photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

1 **Sec. 11.** NRS 483.745 is hereby amended to read as follows:

2 483.745 1. A school for training drivers or a third-party certifier provided
3 for by regulation shall ensure that each vehicle used for training drivers and
4 operated on a highway is inspected *within 30 days after initial use by the school*
5 *for training drivers and inspected* annually ~~+~~ *thereafter.*

6 2. The school for training drivers or the third-party certifier shall provide to
7 the Department, within 30 days of the inspection or by December 31 of each
8 calendar year, whichever comes first, the results of the inspection regarding the
9 safety and road worthiness of the vehicles inspected pursuant to subsection 1.

10 3. The Department shall adopt regulations setting forth:

11 (a) The persons qualified to conduct the inspection; and

12 (b) The standards with which the inspection must comply.

13 4. The owner of the school for training drivers or the third-party certifier shall
14 maintain a copy of the results of the inspection at his or her principal place of
15 business for 3 years after the inspection is completed.

16 **Sec. 12.** NRS 483.760 is hereby amended to read as follows:

17 483.760 The Department may *refuse to issue a license or may* cancel,
18 suspend, revoke or refuse to renew any license granted pursuant to NRS 483.700 to
19 483.780, inclusive:

20 1. *If the applicant or licensee makes a material misstatement on an*
21 *application.*

22 2. *If the applicant or licensee fails or refuses to provide any information*
23 *requested by the Department in conjunction with an application.*

24 3. *If the applicant has been convicted of a crime for a violation of any of the*
25 *provisions of NRS 483.700 to 483.780, inclusive.*

26 4. If the licensee permits fraud or engages in fraudulent practices either with
27 reference to the applicant or the Department or induces or countenances fraud or
28 fraudulent practices on the part of any applicant for driver's license.

29 ~~2+~~ 5. If the licensee fails to comply with *or is convicted of a crime for a*
30 *violation of* any of the provisions of NRS 483.700 to 483.780, inclusive, or any of
31 the regulations or requirements of the Department made pursuant thereto.

32 ~~3+~~ 6. If the licensee or any employee or agent of the licensee solicits
33 persons for enrollment in a school for training drivers in an office of the
34 Department or within 200 feet of any such office.

35 ~~4+~~ 7. If the licensee or any employee or agent of the licensee follows the
36 identical course of training which is used by the Department in giving an
37 examination for a driver's license.

38 **Sec. 13.** NRS 483.820 is hereby amended to read as follows:

39 483.820 1. A person who applies for an identification card in accordance
40 with the provisions of NRS 483.810 to 483.890, inclusive, and who is not ineligible
41 to receive an identification card pursuant to NRS 483.861, is entitled to receive an
42 identification card if the person is:

43 (a) A resident of this State and is 10 years of age or older and does not hold a
44 valid driver's license or identification card from any state or jurisdiction; or

45 (b) A seasonal resident who does not hold a valid Nevada driver's license.

46 2. Except as otherwise provided in NRS 483.825, the Department shall charge
47 and collect the following fees for the issuance of an original, duplicate or changed
48 identification card:

49
50 An original or duplicate identification card issued to a
51 person 65 years of age or older *which expires on or*
52 *before the fourth anniversary of the person's birthday*\$4

1	<i>An original or duplicate identification card issued to a</i>	
2	<i>person 65 years of age or older which expires on or</i>	
3	<i>before the eighth anniversary of the person's birthday.....</i>	<i>8</i>
4	An original or duplicate identification card issued to a	
5	person under 18 years of age which expires on the	
6	eighth anniversary of the person's birthday	6
7	A renewal of an identification card for a person under 18	
8	years of age which expires on the eighth anniversary of	
9	the person's birthday	6
10	An original or duplicate identification card issued to a	
11	person under 18 years of age which expires on or	
12	before the fourth anniversary of the person's birthday	3
13	A renewal of an identification card for a person under 18	
14	years of age which expires on or before the fourth	
15	anniversary of the person's birthday.....	3
16	An original or duplicate identification card issued to any	
17	person at least 18 years of age, but less than 65 years of	
18	age, which expires on the eighth anniversary of the	
19	person's birthday	18
20	A renewal of an identification card for any person at least	
21	18 years of age, but less than 65 years of age, which	
22	expires on the eighth anniversary of the person's	
23	birthday.....	18
24	An original or duplicate identification card issued to any	
25	person at least 18 years of age, but less than 65 years of	
26	age, which expires on or before the fourth anniversary	
27	of the person's birthday	9
28	A renewal of an identification card for any person at least	
29	18 years of age, but less than 65 years of age, which	
30	expires on or before the fourth anniversary of the	
31	person's birthday	9
32	A new photograph or change of name, or both	4
33		
34	3. The Department shall not charge a fee for:	
35	(a) An identification card issued to a person who has voluntarily surrendered	
36	his or her driver's license pursuant to NRS 483.420; or	
37	(b) A renewal of an identification card for a person 65 years of age or older.	
38	4. Except as otherwise provided in NRS 483.825, the increase in fees	
39	authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to	
40	this section.	
41	5. As used in this section, "photograph" has the meaning ascribed to it in	
42	NRS 483.125.	
43	Sec. 14. NRS 483.910 is hereby amended to read as follows:	
44	483.910 1. The Department shall charge and collect the following fees:	
45		
46	For an original commercial driver's license for nonresident	
47	commercial driver's license which expires on <i>or</i>	
48	<i>before</i> the eighth anniversary of the date of issuance of	
49	the license <i>but after the fourth anniversary of the date</i>	
50	<i>of issuance of the license</i>	\$108
51	For an original commercial driver's license [, nonresident	
52	commercial driver's license.] <i>or</i> commercial learner's	
53	permit for nonresident commercial learner's permit	

1	which expires on or before the fourth anniversary of the	
2	birthday of the licensee or permit holder	54
3	For renewal of a commercial driver's license for	
4	nonresident commercial driver's license which expires	
5	on <i>or before</i> the eighth anniversary of the date of	
6	issuance of the license <i>but after the fourth anniversary</i>	
7	<i>of the date of issuance of the license</i>	108
8	For renewal of a commercial driver's license for nonresident	
9	commercial driver's license <i>or</i> commercial learner's	
10	permit for nonresident commercial learner's permit	
11	which expires on or before the fourth anniversary of the	
12	birthday of the licensee or permit holder	54
13	For reinstatement of a commercial driver's license after	
14	suspension or revocation of the license for a violation	
15	of NRS 484C.110, 484C.120, 484C.130 or 484C.430,	
16	or pursuant to NRS 484C.210 and 484C.220, or	
17	pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii)	
18	<i>383.51(b)(1) to (4)</i>	145
19	For reinstatement of a commercial driver's license after	
20	suspension, revocation, cancellation or disqualification	
21	of the license, except a suspension or revocation for a	
22	violation of NRS 484C.110, 484C.120, 484C.130 or	
23	484C.430, or pursuant to NRS 484C.210 and	
24	484C.220, or pursuant to 49 C.F.R. § 383.51(b)(2)(i)	
25	or (ii) <i>383.51(b)(1) to (4)</i>	110
26	For a duplicate commercial driver's license	19
27	For any change of information on a commercial driver's	
28	license	9
29	For each endorsement added after the issuance of an	
30	original commercial driver's license	14
31	For the administration of a driving skills test for the	
32	issuance, renewal or transfer of a commercial driver's	
33	license or to change any information on, or add an	
34	endorsement to, an existing commercial driver's license	30

2. The Department shall charge and collect an annual fee of \$555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of \$3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of \$25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

1 **Sec. 15.** NRS 483.936 is hereby amended to read as follows:

2 483.936 A person who is a resident of a foreign jurisdiction which the Federal
3 Highway Administrator has determined does not test drivers and issue commercial
4 drivers' licenses in accordance with federal standards ~~for who is a resident of a state~~
5 ~~while that state is prohibited from issuing commercial drivers' licenses pursuant to~~
6 ~~49 C.F.R. § 384.405~~ and who wishes to be issued a ~~nonresident~~ **limited-term**
7 commercial driver's license or ~~nonresident~~ **limited-term** commercial learner's
8 permit by this State must:

9 1. Apply to the Department for a ~~nonresident~~ **limited-term** commercial
10 driver's license or ~~nonresident~~ **limited-term** commercial learner's permit; and

11 2. Comply with all other requirements contained in the regulations adopted by
12 the Department pursuant to NRS 483.908.

13 **Sec. 15.1. NRS 484A.630 is hereby amended to read as follows:**

14 484A.630 1. Whenever a person is halted by a peace officer for any
15 violation of chapters 484A to 484E, inclusive, of NRS punishable as a
16 misdemeanor and is not taken before a magistrate as required or permitted by NRS
17 484A.720 and 484A.730, the peace officer may prepare a traffic citation manually
18 or electronically in the form of a complaint issuing in the name of "The State of
19 Nevada," containing a notice to appear in court, the name and address of the
20 person, the state registration number of the person's vehicle, if any, the number of
21 the person's driver's license, if any, the offense charged, including a brief
22 description of the offense and the NRS citation, the time and place when and where
23 the person is required to appear in court, and such other pertinent information as
24 may be necessary. The **peace officer shall sign the** citation ~~must be signed by the~~
25 ~~peace officer.~~ **and deliver a copy of the citation to the person charged with the**
26 **violation.** If the citation is prepared electronically, the **peace officer** shall sign the
27 copy of the citation that is delivered to the person charged with the violation.

28 2. The time specified in the notice to appear must be at least 5 days after the
29 alleged violation unless the person charged with the violation demands an earlier
30 hearing.

31 3. The place specified in the notice to appear must be before a magistrate, as
32 designated in NRS 484A.750.

33 4. The person charged with the violation may give his or her written promise
34 to appear in court by signing at least one copy of the traffic citation prepared by the
35 peace officer ~~in which event the peace officer shall deliver a copy of the citation~~
36 ~~to the person,~~ and thereupon the peace officer shall not take the person into
37 physical custody for the violation. If the citation is prepared electronically, the
38 **peace officer** ~~shall deliver the signed copy of the citation to the person and~~ shall
39 indicate on the electronic record of the citation whether the person charged gave his
40 or her written promise to appear. A copy of the citation that is signed by the person
41 charged or the electronic record of the citation which indicates that the person
42 charged gave his or her written promise to appear suffices as proof of service.

43 **5. If the person charged with the violation refuses to sign a copy of the**
44 **traffic citation but accepts a copy of the citation delivered by the peace officer:**

45 **(a) The acceptance shall be deemed personal service of the notice to appear**
46 **in court;**

47 **(b) A copy of the citation signed by the peace officer suffices as proof of**
48 **service; and**

49 **(c) The peace officer shall not take the person into physical custody for the**
50 **violation.**

51 **Sec. 15.15. NRS 484A.670 is hereby amended to read as follows:**

52 484A.670 1. ~~+++~~ **Regardless of the disposition of the charge for which a**
53 **traffic citation was originally issued, it is unlawful for a person to violate** ;

1 (a) Violate a written promise to appear *in court* given to a peace officer upon
2 the issuance of a traffic citation prepared ~~(manually or electronically, regardless of~~
3 ~~the disposition of the charge for which the citation was originally issued.~~ *by the*
4 *peace officer; or*

5 (b) *Fail to appear at the time and place set forth in a notice to appear in*
6 *court that is contained in a traffic citation prepared by a peace officer.*

7 2. Except as otherwise provided in this subsection, a person may comply with
8 a written promise to appear in court *or a notice to appear in court* by an
9 appearance by counsel. A person who has been convicted of two or more moving
10 traffic violations in unrelated incidents within a 12-month period and is
11 subsequently arrested or issued a citation within that 12-month period shall appear
12 personally in court with or without counsel.

13 3. A warrant may issue upon a violation of a written promise to appear ~~+~~ *in*
14 *court or a failure to appear at the time and place set forth in a notice to appear in*
15 *court.*

16 **Sec. 15.2. NRS 484A.720 is hereby amended to read as follows:**

17 484A.720 Whenever any person is halted by a peace officer for any violation
18 of chapters 484A to 484E, inclusive, of NRS not amounting to a gross
19 misdemeanor or felony, the person shall be taken without unnecessary delay before
20 the proper magistrate, as specified in NRS 484A.750, in either of the following
21 cases:

22 1. When the person demands an immediate appearance before a magistrate; or
23 2. In any other event when the person is issued a traffic citation by an
24 authorized person and refuses to ~~give a written promise to appear in court as~~
25 ~~provided in NRS 484A.630.~~ *sign or accept a copy of the traffic citation.*

26 **Sec. 15.25. NRS 484A.730 is hereby amended to read as follows:**

27 484A.730 Whenever any person is halted by a peace officer for any violation
28 of chapters 484A to 484E, inclusive, of NRS and is not required to be taken before
29 a magistrate, the person may, in the discretion of the peace officer, either be given a
30 traffic citation, or be taken without unnecessary delay before the proper magistrate.
31 The person must be taken before the magistrate in any of the following cases:

32 1. When the person does not furnish satisfactory evidence of identity or when
33 the peace officer has reasonable and probable grounds to believe the person will
34 disregard a written promise to appear in court ~~+~~ *or a notice to appear in court;*

35 2. When the person is charged with a violation of NRS 484D.580 relating to
36 the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

37 3. When the person is charged with a violation of NRS 484D.675 relating to
38 the failure or refusal of a driver of a vehicle to submit the vehicle and load to a
39 weighing or to remove excess weight therefrom; or

40 4. When the person is charged with a violation of NRS 484C.110 or
41 484C.120, unless the person is incapacitated and is being treated for injuries at the
42 time the peace officer would otherwise be taking the person before the magistrate.

43 **Sec. 15.27. NRS 484A.760 is hereby amended to read as follows:**

44 484A.760 Whenever any person is taken into custody by a peace officer for
45 the purpose of taking him or her before a magistrate or court as authorized or
46 required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a
47 felony or the offenses enumerated in paragraphs (a) to (e), inclusive, of subsection
48 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is
49 no bail schedule established by the magistrate or court and no lawfully designated
50 court clerk or other public officer who is available and authorized to accept bail
51 upon behalf of the magistrate or court, the person must be released from custody
52 upon the issuance to the person of a misdemeanor citation or traffic citation and the
53 person signing a promise to appear, as provided in NRS 171.1773 or 484A.630,

respectively. ~~H~~, *or accepting a copy of the traffic citation, as provided in NRS 484A.630.*

Sec. 15.3. NRS 484B.313 is hereby amended to read as follows:

484B.313 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~~ *subsections 4 H and 5*, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal, marking or street banner bearing thereon any commercial advertising. ~~except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330, 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. *The provisions of subsection 1 do not apply to any sign, signal, marking or street banner bearing thereon any commercial advertising that is located:*

(a) On a bench or shelter 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 277A.310 and 277A.330;

(b) On a monorail station; or

(c) On a touchdown structure if a public authority authorizes such advertising and the advertising is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority.

6. 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.

~~H~~ 7. As used in this section:

(a) "Monorail station" means:

(1) 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

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

(b) "Street banner" has the meaning ascribed to it in NRS 277A.130.

(c) *"Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.*

Sec. 15.4. NRS 62C.070 is hereby amended to read as follows:

62C.070 1. If a child is stopped by a peace officer for a violation of any traffic law or ordinance which is punishable as a misdemeanor, the peace officer may prepare and issue a traffic citation pursuant to the same criteria as would apply to an adult violator. *The peace officer shall deliver a copy of the citation to the child.*

2. If a child who is issued a traffic citation executes a written promise to appear in court by signing the citation, the *peace officer* ~~+~~

~~(a) Shall deliver a copy of the citation to the child; and~~

~~(b) Shall~~ *shall* not take the child into physical custody for the violation.

3. If a child who is issued a traffic citation refuses to execute a written promise to appear in court but accepts a copy of the citation delivered by the peace officer:

(a) The acceptance shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the child into physical custody for the violation.

Sec. 15.5. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except ~~for 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 277A.310 and 277A.330, or on monorail stations;~~ *as otherwise provided in subsection 5,* 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

1 that the facility or property that is located within the airspace is for sale or lease;
2 and

3 (2) The size, location and design of the sign, signboard, board or other
4 material and the quantity of signs, signboards, boards or other materials have been
5 approved by the Department of Transportation; or

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

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

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

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

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

22 4. A tenant of a mobile home park may exhibit a political sign within a right-
23 of-way of a state highway or road which is owned or controlled by the Department
24 of Transportation if the tenant exhibits the sign within the boundary of the tenant's
25 lot and in accordance with the requirements and limitations set forth in NRS
26 118B.145. As used in this subsection, the term "political sign" has the meaning
27 ascribed to it in NRS 118B.145.

28 5. *The provisions of subsection 1 do not apply to any advertising, signs,*
29 *signboards or other materials containing advertising matter located:*

30 *(a) On a bench or shelter for passengers of public mass transportation built*
31 *pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081*
32 *and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;*

33 *(b) On a monorail station; or*

34 *(c) On a touchdown structure if a public authority authorizes such*
35 *advertising matter and the advertising matter is placed and maintained by a*
36 *person who owns real property adjacent to the touchdown structure and who has:*

37 *(1) Dedicated the touchdown structure to the public authority or has*
38 *granted a fee or perpetual easement to the public authority for the construction*
39 *or maintenance of the touchdown structure; and*

40 *(2) Entered a written agreement with the public authority on terms and*
41 *conditions acceptable to the public authority.*

42 6. If any such sign is placed in violation of this section, it is thereby declared
43 a public nuisance and may be removed forthwith by the Department of
44 Transportation or the public authority.

45 ~~6.7~~ 7. Any person placing any such sign in violation of the provisions of this
46 section shall be punished by a fine of not more than \$250, and is also liable in
47 damages for any injury or injuries incurred or for injury to or loss of property
48 sustained by any person by reason of the violation.

49 ~~7.7~~ 8. If a franchisee receives revenues from an advertising sign, signboard,
50 board or other material containing advertising matter authorized by subsection 1
51 and the franchisee is obligated to repay a bond issued by the State of Nevada, the
52 franchisee shall use all revenue generated by the advertising sign, signboard, board
53 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.

~~8-9~~ 9. As used in this section ~~1~~ ~~“monorail”~~:

(a) *“Monorail station”* means:

~~10-11~~ (1) 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

~~12-13~~ (2) Any facilities or appurtenances within such a structure.

~~14-15~~ (b) *“Touchdown structure” means a structure, connected to a pedestrian bridge, which houses an elevator.*

Sec. 15.7. NRS 410.320 is hereby amended to read as follows:

410.320 Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, outside urban areas outdoor advertising shall not be erected or maintained beyond 660 feet from the nearest edge of the right-of-way of the interstate and primary highway systems which is visible and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems in this state, except the following:

1. Directional, warning, landmark, informational and other official signs and notices, including but not limited to signs and notices pertaining to natural wonders, scenic and historic attractions. Only signs which are required or authorized by law or by federal, state or county authority, and which conform to national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131, are permitted.

2. Signs, displays and devices which advertise the sale or lease of the property upon which they are located.

3. Signs, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property upon which the advertising sign, display or device is erected.

4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

5. Signs, displays and devices located in an unzoned commercial or industrial area as defined in NRS 410.300, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

6. Nonconforming signs in defined hardship areas which provide directional information about goods and services in the interest of the traveling public and are approved by the Secretary of Transportation pursuant to 23 U.S.C. § 131(o).

7. *Signs, displays and devices located as described in subsection 5 of NRS 405.110 and subsection 5 of NRS 484B.313.*

Sec. 16. (Deleted by amendment.)

Sec. 17. 1. This section and sections 1 to 9, inclusive, and ~~15.3~~ 15.1 to 16, inclusive, of this act become effective on July 1, 2017.

2. Sections 10 to 15, inclusive, of this act become effective on October 1, 2017.