
ASSEMBLY BILL NO. 53—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION)

PREFILED DECEMBER 15, 2010

Referred to Committee on Transportation

SUMMARY—Revises provisions governing informational signage and other programs to provide information concerning commercial attractions and services along highways. (BDR 35-482)

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

~

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

AN ACT relating to transportation; requiring the Director of the Department of Transportation to charge fees based upon market value for authorizing the placement of trademarks or symbols identifying individual enterprises on certain signs and for providing information regarding attractions and services along highways of the State; authorizing the Director to recommend to the Board of Directors of the Department programs for providing information to the traveling public to be funded from money received from fees charged on those signs; exempting certain signs located in a redevelopment area from certain restrictions on the proximity of advertising to certain highways in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Director of the Department of Transportation to adopt
2 regulations to fix reasonable fees to recover the actual cost of administering a
3 program for erecting certain signs on highways. Existing law provides that in
4 certain larger counties, the Department is required to establish the fees based upon
5 the market value as determined by the Department. **Section 3** of this bill instead
6 requires the Department to fix the fees in all counties based upon market value as
7 determined by the Department. Existing law provides that the fees collected by the
8 Department are to be credited to the Account for Systems of Providing Information



* A B 5 3 R 1 *

9 to the Traveling Public in the State Highway Fund. **Section 1** of this bill authorizes
10 the Director to recommend to the Board of Directors of the Department programs to
11 provide information to the traveling public to be paid from money available for that
12 purpose from the Account.

13 Existing law provides that outdoor advertising shall not be maintained within
14 660 feet of the nearest edge of the right-of-way and visible from the main-traveled
15 way of the interstate or primary highway systems of this State. Exemptions are
16 provided for: (1) certain directional, warning, landmark, informational and other
17 official signs; (2) signs which advertise the sale or lease of the property on which
18 they are located or advertise for a business or activities conducted on the property
19 on which they are located; (3) signs in zoned commercial or industrial areas; and
20 (4) certain directional information signs in hardship areas which have been
21 approved by the Secretary of Transportation pursuant to certain federal regulations.
22 (NRS 410.320) **Sections 10 and 13** of this bill provide an exemption from the 660-
23 foot restriction for certain signs located in a redevelopment area.

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

1 **Section 1.** Chapter 408 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The Director may recommend to the Board, for its approval,*
4 *programs to provide information to the traveling public to be paid*
5 *from such money as is available for this purpose pursuant to*
6 *NRS 408.567.*

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

8 408.551 As used in NRS 408.551 to 408.567, inclusive, *and*
9 *section 1 of this act*, “center” means a facility to provide
10 information to members of the traveling public, concerning
11 accommodations, food, fuel and recreation, through an attendant or
12 some means of communication.

13 **Sec. 3.** NRS 408.557 is hereby amended to read as follows:

14 408.557 1. The Director shall adopt regulations:

15 (a) Governing the size, shape, lighting and other characteristics
16 of a sign to be erected at ~~[such]~~ a location ~~[:]~~ *designated pursuant to*
17 *NRS 408.553;*

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

20 (c) Fixing the qualifications of a person or governmental agency
21 to operate a center and of an enterprise to be identified on a
22 directional or informational sign;

23 ~~(d) [Fixing reasonable fees to recover the actual administrative~~
24 ~~cost incurred by the Department for:~~

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



1 ~~— (2) Providing information concerning commercial attractions~~
2 ~~and services.~~

3 ~~— (e) Fixing reasonable fees, based upon the market value as~~
4 ~~determined by the Department, for:~~

5 (1) Authorizing the use of trademarks and symbols
6 identifying an individual enterprise on a directional or informational
7 sign ~~{in an urban area of a county whose population is 100,000 or~~
8 ~~more;} ; and~~

9 (2) Providing information ~~{in an urban area of a county~~
10 ~~whose population is 100,000 or more}~~ concerning commercial
11 attractions and services; and

12 ~~{(f)}~~ (e) Otherwise necessary to carry out the provisions of NRS
13 408.551 to 408.567, inclusive ~~{}~~, and *section 1 of this act.*

14 2. The regulations adopted by the Director pursuant to
15 subsection 1 must be consistent with the provisions of 23 U.S.C.
16 § 131.

17 **Sec. 4.** NRS 408.559 is hereby amended to read as follows:

18 408.559 The Department shall develop a plan, in cooperation
19 with the Commission on Tourism, to carry out the provisions of
20 NRS 408.551 to 408.567, inclusive ~~{}~~, and *section 1 of this act.*

21 The plan must take into consideration such factors as:

22 1. Economic development in this state.

23 2. Availability of money for the purposes of NRS 408.551 to
24 408.567, inclusive ~~{}~~, and *section 1 of this act.*

25 3. Population in a particular area.

26 4. Proposed highway construction.

27 5. Need for information.

28 ↪ The Department and the Commission shall review the plan at
29 least once each year and revise it until the provisions of NRS
30 408.551 to 408.567, inclusive, and *section 1 of this act* have been
31 uniformly put into effect throughout the State.

32 **Sec. 5.** NRS 408.567 is hereby amended to read as follows:

33 408.567 1. Money received by the Department from:

34 (a) Fees for:

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

38 (2) Providing information concerning commercial attractions
39 and services;

40 (b) Participants in a telephone system established to reserve
41 accommodations for travelers; and

42 (c) Appropriations made by the Legislature for the purposes of
43 NRS 408.551 to 408.567, inclusive, and *section 1 of this act,*



1 ↪ must be deposited with the State Treasurer for credit to the
2 Account for Systems of Providing Information to the Traveling
3 Public in the State Highway Fund, which is hereby created.

4 2. Money in the Account must only be used to carry out the
5 provisions of NRS 408.551 to 408.567, inclusive **[]**, *and section 1*
6 *of this act.*

7 **Sec. 6.** Chapter 410 of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 7 to 10, inclusive, of this
9 act.

10 **Sec. 7.** *“Agency” has the meaning ascribed to it in*
11 *NRS 279.386.*

12 **Sec. 8.** *“Redevelopment area” has the meaning ascribed to it*
13 *in NRS 279.410.*

14 **Sec. 9.** *“Redevelopment project” has the meaning ascribed to*
15 *it in NRS 279.412.*

16 **Sec. 10.** 1. *An application for a permit for a sign, display or*
17 *device to be erected or maintained in a redevelopment area*
18 *pursuant to subsection 7 of NRS 410.320 must be submitted to the*
19 *Department, on a form provided by the Department, by the agency*
20 *undertaking the redevelopment project. The application must*
21 *include, without limitation:*

22 (a) *Certification by the agency that the sign, display or device*
23 *meets the requirements of subsection 4 of NRS 410.320; and*

24 (b) *A finding by the agency that the sign, display or device will*
25 *not result in a concentration of outdoor advertising that would*
26 *have a negative impact on the safety or aesthetic quality of the*
27 *redemption area.*

28 2. *The Department shall issue a permit upon receipt of an*
29 *application that meets the requirements of subsection 1 unless the*
30 *Department determines that the sign, display or device does not*
31 *conform to the national standards adopted by the Secretary of*
32 *Transportation pursuant to 23 U.S.C. § 131.*

33 3. *A permit issued pursuant to this section is valid for 10*
34 *years or until the completion of the redevelopment project,*
35 *whichever occurs earlier. The Department may, for good cause*
36 *shown by the agency that obtained the permit, allow for an*
37 *extension of a permit beyond a 10-year period, provided that the*
38 *redemption project has not been completed.*

39 4. *Upon expiration of a permit, the Department shall*
40 *personally serve or send by registered or certified mail notice to*
41 *the landowner and the owner of the sign, display or device that the*
42 *sign, display or device must be removed within 30 days thereafter,*
43 *unless the sign, display or device is otherwise exempt pursuant to*
44 *subsections 1 to 6, inclusive, of NRS 410.320.*



* A B 5 3 R 1 *

1 5. *If a person fails to remove a sign, display or device*
2 *pursuant to subsection 4, the Department may:*

3 (a) *Impose an administrative fine of \$10,000 plus \$100 per day*
4 *for each day after the receipt of notice that the sign, display or*
5 *device has not been removed;*

6 (b) *Impose an additional civil penalty equal to any gross*
7 *revenue earned by the person from the sign, display or device*
8 *during the period that:*

9 (1) *Begins on the date of receipt of the notice to remove the*
10 *sign, display or device; and*

11 (2) *Ends on the date on which the sign, display or device is*
12 *removed; and*

13 (c) *Charge the person any costs incurred by the Department in*
14 *removing the sign, display or device.*

15 **Sec. 11.** NRS 410.220 is hereby amended to read as follows:

16 410.220 1. The Legislature hereby finds and declares that:

17 (a) The erection and maintenance of outdoor advertising signs,
18 displays and devices, in areas adjacent to the rights-of-way of the
19 interstate highway system and the primary highway system within
20 this state, is a legitimate commercial use of private property adjacent
21 to roads and highways and that regulation and control or removal of
22 such outdoor advertising is necessary to the system of state
23 highways declared essential by NRS 408.100.

24 (b) The erection and maintenance of such advertising in such
25 locations must be regulated:

26 (1) To prevent unreasonable distraction of operators of motor
27 vehicles, confusion with regard to traffic lights, signs or signals and
28 other interference with the effectiveness of traffic regulations;

29 (2) To promote the safety, convenience and enjoyment of
30 travel on the state highways in this state;

31 (3) To attract tourists and promote the prosperity, economic
32 well-being and general welfare of the State;

33 (4) For the protection of the public investment in the state
34 highways; and

35 (5) To preserve and enhance the natural scenic beauty and
36 aesthetic features of the highways and adjacent areas.

37 (c) All outdoor advertising which does not conform to the
38 requirements of NRS 410.220 to 410.410, inclusive, *and sections 7*
39 *to 10, inclusive, of this act* is contrary to the public safety, health
40 and general welfare of the people of this state.

41 (d) The removal of signs adjacent to the rights-of-way of the
42 interstate or primary highway system within this state which provide
43 directional information about goods and services in the interest of
44 the traveling public and which:



1 (1) Were erected in conformance with the laws of the State
2 of Nevada and subsequently became nonconforming under the
3 requirements of 23 U.S.C. § 131; and

4 (2) Were in existence on May 6, 1976,
5 → could create substantial economic hardships in defined hardship
6 areas within the State of Nevada.

7 2. It is the intent of the Legislature in NRS 410.220 to 410.410,
8 inclusive, *and sections 7 to 10, inclusive, of this act* to provide a
9 statutory basis for regulation of outdoor advertising consistent with
10 the public policy declared by the Congress of the United States in
11 areas adjacent to the interstate and primary highway systems.

12 **Sec. 12.** NRS 410.230 is hereby amended to read as follows:

13 410.230 As used in NRS 410.220 to 410.410, inclusive, *and*
14 *sections 7 to 10, inclusive, of this act*, the words and terms defined
15 in NRS 410.250 to 410.310, inclusive, *and sections 7, 8 and 9 of*
16 *this act* have the meanings ascribed to them in those sections, unless
17 a different meaning clearly appears in the context.

18 **Sec. 13.** NRS 410.320 is hereby amended to read as follows:

19 410.320 Outdoor advertising shall not be erected or maintained
20 within 660 feet of the nearest edge of the right-of-way and visible
21 from the main-traveled way of the interstate or primary highway
22 systems in this state, and, outside urban areas outdoor advertising
23 shall not be erected or maintained beyond 660 feet from the nearest
24 edge of the right-of-way of the interstate and primary highway
25 systems which is visible and placed with the purpose of having its
26 message read from the main-traveled way of the interstate and
27 primary highway systems in this state, except the following:

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

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

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

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



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

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

10 **7. Signs, displays and devices which:**

11 **(a) Are located within a redevelopment area;**

12 **(b) Advertise businesses or activities within the redevelopment**
13 **area as part of the redevelopment project; and**

14 **(c) Have been:**

15 **(1) Approved by the agency undertaking the redevelopment**
16 **project; and**

17 **(2) Issued a permit by the Department pursuant to an**
18 **application submitted pursuant to section 10 of this act by the**
19 **agency undertaking the redevelopment project.**

20 **Sec. 14.** NRS 410.340 is hereby amended to read as follows:

21 410.340 1. Any outdoor advertising sign, display or device
22 located within 660 feet of the nearest edge of the right-of-way and
23 visible from the main-traveled way of the interstate or primary
24 highway systems in this state, and, in the case of any outdoor
25 advertising sign, display or device located beyond 660 feet from the
26 nearest edge of the right-of-way for interstate and primary highway
27 systems, which is located outside of urban areas and placed with the
28 purpose of having its message read from the main-traveled way of
29 the interstate and primary highway systems, which was lawfully in
30 existence and maintained on October 22, 1965, and which is not
31 within one of the exceptions set forth in NRS 410.320, shall be
32 removed no later than July 1, 1973, or 3 years from the date funds
33 are available for such removal, except as provided in subsection 3.

34 2. ~~Any~~ **Except as otherwise provided in section 10 of this**
35 **act, any** other outdoor advertising sign, display or device located
36 within 660 feet of the nearest edge of the right-of-way and visible
37 from the main-traveled way of any highway of the interstate or
38 primary system, and, in the case of any outdoor advertising sign,
39 display or device located beyond 660 feet from the nearest edge of
40 the right-of-way for interstate and primary highway systems, which
41 is located outside of urban areas and placed with the purpose of
42 having its message read from the main-traveled way of the interstate
43 and primary highway systems, and which is not within one of the
44 exceptions set forth in NRS 410.320, shall be removed not later than
45 the end of the fifth year after it becomes nonconforming.



1 3. Any outdoor advertising sign, display or device located
2 within 660 feet of the nearest edge of the right-of-way and visible
3 from the main-traveled way of the interstate or primary highway
4 system, and, in the case of any outdoor advertising sign, display or
5 device located beyond 660 feet from the nearest edge of the right-of-
6 way for interstate and primary highway systems, which is located
7 outside of urban areas and placed with the purpose of having its
8 message read from the main-traveled way of the interstate and
9 primary highway systems, and which is lawfully maintained on or
10 after February 20, 1972, but which subsequently becomes
11 nonconforming with the provisions of NRS 410.220 to 410.410,
12 inclusive, by reason of amendment of such provisions or change in
13 regulations or agreements prescribed or entered into as authorized
14 by NRS 410.220 to 410.410, inclusive, may be maintained until the
15 end of the fifth year after it becomes nonconforming.

16 4. No compensation shall be paid upon removal of any outdoor
17 advertising sign, display or device erected after February 20, 1972,
18 which as a result thereof become nonconforming. However, such
19 outdoor advertising sign, display or device shall be removed only
20 when all other outdoor advertising signs, displays or devices
21 existing on February 20, 1972, have been removed.

22 **Sec. 15.** NRS 410.360 is hereby amended to read as follows:

23 410.360 1. Any outdoor advertising sign, display or device
24 erected after February 20, 1972, which violates the provisions of
25 NRS 410.220 to 410.410, inclusive, is hereby declared to be a public
26 nuisance and the Director shall remove any such sign, display or
27 device which is not removed before the expiration of 30 days after
28 notice of the violation and demand for removal have been served
29 personally or by registered or certified mail upon the landowner and
30 the owner of the sign or their agents. Removal by the Department of
31 the sign, display or device on the failure of the owners to comply
32 with the notice and demand gives the Department a right of action to
33 recover the expense of the removal, cost and expenses of suit.

34 2. ~~[Any]~~ *Except as otherwise provided in section 10 of this*
35 *act, any* person who erects or causes to be erected an outdoor
36 advertising sign, display or device which violates the provisions of
37 NRS 410.220 to 410.410, inclusive, shall pay to the Department:

- 38 (a) For the first violation, a fine of \$50;
39 (b) For the second violation, a fine of \$250;
40 (c) For the third or subsequent violation, a fine of \$500 per
41 violation; and
42 (d) The reasonable costs of collection.

43 **Sec. 16.** This act becomes effective on July 1, 2011.

