

SENATE BILL NO. 199—SENATOR ROBERSON

MARCH 2, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions regarding outdoor advertising. (BDR 35-771)

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 outdoor advertising; authorizing advertising on pedestrian overpasses, elevators, escalators and other structures of transportation owned, controlled or maintained by a county; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person, firm or corporation from placing certain
2 advertisements and signs upon structures or objects within, adjacent to or in view of
3 certain highways and rights-of-way. (NRS 405.030, 405.110, 484B.313) Under
4 existing law, these prohibitions do not apply within the limits of cities or towns
5 under certain circumstances or with respect to advertisements or signs that are
6 placed upon monorail stations or upon benches and shelters for passengers of
7 public mass transportation pursuant to a franchise granted by a local government.
8 This bill expands the preceding exceptions for advertisements and signs on certain
9 structures related to transportation, allowing such advertisements and signs to also
10 be placed, by agreement with the applicable county, upon pedestrian overpasses,
11 elevators, escalators and other structures of transportation that are owned,
12 controlled or maintained by the county.

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

1 Section 1. NRS 405.030 is hereby amended to read as follows:
2 405.030 1. Except as otherwise provided in ~~subsection~~
3 *subsections* 3 and 4 and NRS 277A.310, ~~and except within the~~
4 ~~limits of any city or town through which the highway may run, and~~
5 ~~on benches and shelters for passengers of public mass transportation~~



1 ~~built pursuant to a franchise granted pursuant to NRS 244.187 and~~
2 ~~244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.330,~~
3 ~~or on monorail stations,] it is unlawful for any person, firm or~~
4 corporation to paste, paint, print or in any manner whatever place or
5 attach to any building, fence, gate, bridge, rock, tree, board,
6 structure or anything whatever, any written, printed, painted or other
7 outdoor advertisement, bill, notice, sign, picture, card or poster:

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

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

12 (c) On the property of another within view of any such highway,
13 without the owner's written consent.

14 2. Nothing in this section prevents the posting or maintaining
15 of any notices required by law to be posted or maintained, or the
16 placing or maintaining of highway signs giving directions and
17 distances for the information of the traveling public if the signs are
18 approved by the Department of Transportation.

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

26 4. *The provisions of subsection 1 do not apply to any*
27 *advertisement, bill, notice, sign, picture, card or poster located:*

28 (a) *Within the limits of any city or town through which a*
29 *highway may run;*

30 (b) *On a bench or shelter for passengers of public mass*
31 *transportation built pursuant to a franchise granted pursuant to*
32 *NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and*
33 *269.129, or 277A.330;*

34 (c) *On a monorail station; or*

35 (d) *By agreement with a county, on a pedestrian overpass,*
36 *elevator, escalator or other structure of transportation that is*
37 *owned, controlled or maintained by the county.*

38 5. If a franchisee receives revenues from an advertisement, bill,
39 notice, sign, picture, card or poster authorized by subsection ~~HH~~ 4
40 and the franchisee is obligated to repay a bond issued by the State of
41 Nevada, the franchisee shall use all revenue generated by the
42 advertisement, bill, notice, sign, picture, card or poster authorized
43 by subsection ~~HH~~ 4 to meet its obligations to the State of Nevada as
44 set forth in the financing agreement and bond indenture, including,
45 without limitation, the payment of operations and maintenance



1 obligations, the funding of reserves and the payment of debt service.
2 To the extent that any surplus revenue remains after the payment of
3 all such obligations, the surplus revenue must be used solely to
4 repay the bond until the bond is repaid.

5 ~~5-1~~ 6. As used in this section, "monorail station" means:

6 (a) A structure for the loading and unloading of passengers from
7 a monorail for which a franchise has been granted pursuant to NRS
8 705.695 or an agreement has been entered into pursuant to NRS
9 705.695; and

10 (b) Any facilities or appurtenances within such a structure.

11 **Sec. 2.** NRS 405.110 is hereby amended to read as follows:

12 405.110 1. Except ~~for benches and shelters for passengers of~~
13 ~~public mass transportation for which a franchise has been granted~~
14 ~~pursuant to NRS 244.187 and 244.188, 268.081 and 268.083,~~
15 ~~269.128 and 269.129, or 277A.310 and 277A.330, or on monorail~~
16 ~~stations,] as otherwise provided in subsection 5,~~ no advertising
17 signs, signboards, boards or other materials containing advertising
18 matter may:

19 (a) Except as otherwise provided in subsection 3, be placed
20 upon or over any state highway.

21 (b) Except as otherwise provided in subsections 3 and 4, be
22 placed within the highway right-of-way.

23 (c) Except as otherwise provided in subsection 3, be placed
24 upon any bridge or other structure thereon.

25 (d) Be so situated with respect to any public highway as to
26 obstruct clear vision of an intersecting highway or highways or
27 otherwise so situated as to constitute a hazard upon or prevent the
28 safe use of the state highway.

29 2. With the permission of the Department of Transportation,
30 counties, towns or cities of this State may place at such points as are
31 designated by the Director of the Department of Transportation
32 suitable signboards advertising the counties, towns or
33 municipalities.

34 3. A person may place an advertising sign, signboard, board or
35 other material containing advertising matter in any airspace above a
36 highway if:

37 (a) The Department of Transportation has leased the airspace to
38 the person pursuant to subsection 2 of NRS 408.507, the airspace is
39 over an interstate highway and:

40 (1) The purpose of the sign, signboard, board or other
41 material is to identify a commercial establishment that is entirely
42 located within the airspace, services rendered, or goods produced or
43 sold upon the commercial establishment or that the facility or
44 property that is located within the airspace is for sale or lease; and



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

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

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

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

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

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

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

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

34 (a) *On a bench or shelter for passengers of public mass*
35 *transportation built pursuant to a franchise granted pursuant to*
36 *NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and*
37 *269.129, or 277A.330;*

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

39 (c) *By agreement with a county, on a pedestrian overpass,*
40 *elevator, escalator or other structure of transportation that is*
41 *owned, controlled or maintained by the county.*

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



1 ~~16-1~~ 7. Any person placing any such sign in violation of the
2 provisions of this section shall be punished by a fine of not more
3 than \$250, and is also liable in damages for any injury or injuries
4 incurred or for injury to or loss of property sustained by any person
5 by reason of the violation.

6 ~~17-1~~ 8. If a franchisee receives revenues from an advertising
7 sign, signboard, board or other material containing advertising
8 matter authorized by subsection ~~11-1~~ 5 and the franchisee is obligated
9 to repay a bond issued by the State of Nevada, the franchisee shall
10 use all revenue generated by the advertising sign, signboard, board
11 or other material containing advertising matter authorized by
12 subsection ~~11-1~~ 5 to meet its obligations to the State of Nevada as set
13 forth in the financing agreement and bond indenture, including,
14 without limitation, the payment of operations and maintenance
15 obligations, the funding of reserves and the payment of debt service.
16 To the extent that any surplus revenue remains after the payment of
17 all such obligations, the surplus revenue must be used solely to
18 repay the bond until the bond is repaid.

19 ~~18-1~~ 9. As used in this section, "monorail station" means:

20 (a) A structure for the loading and unloading of passengers from
21 a monorail for which a franchise has been granted pursuant to NRS
22 705.695 or an agreement has been entered into pursuant to NRS
23 705.695; and

24 (b) Any facilities or appurtenances within such a structure.

25 **Sec. 3.** NRS 410.320 is hereby amended to read as follows:

26 410.320 Outdoor advertising shall not be erected or maintained
27 within 660 feet of the nearest edge of the right-of-way and visible
28 from the main-traveled way of the interstate or primary highway
29 systems in this state, and, outside urban areas outdoor advertising
30 shall not be erected or maintained beyond 660 feet from the nearest
31 edge of the right-of-way of the interstate and primary highway
32 systems which is visible and placed with the purpose of having its
33 message read from the main-traveled way of the interstate and
34 primary highway systems in this state, except the following:

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

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

44 3. Signs, displays and devices which advertise the activities
45 conducted or services rendered or the goods produced or sold upon



1 the property upon which the advertising sign, display or device is
2 erected.

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

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

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

16 *7. Signs, displays and devices located as described in*
17 *subsection 4 of NRS 405.030, subsection 5 of NRS 405.110 and*
18 *subsection 5 of NRS 484B.313.*

19 **Sec. 4.** NRS 484B.313 is hereby amended to read as follows:

20 484B.313 1. It is unlawful for any person to place, maintain
21 or display upon or in view of any highway any unauthorized sign,
22 signal, marking or device which purports to be or is an imitation of
23 or resembles an official traffic-control device or railroad sign or
24 signal, or which attempts to direct the movement of traffic, or which
25 hides from view or interferes with the effectiveness of any such
26 device, sign or signal, and except as otherwise provided in
27 ~~subsection~~ *subsections 4 and 5*, a person shall not place or
28 maintain nor may any public authority permit upon any highway
29 any sign, signal, marking or street banner bearing thereon any
30 commercial advertising . ~~except on benches and shelters for~~
31 ~~passengers of public mass transportation for which a franchise has~~
32 ~~been granted pursuant to NRS 244.187 and 244.188, 268.081 and~~
33 ~~268.083, 269.128 and 269.129, or 277A.310 and 277A.330, or on~~
34 ~~monorail stations.~~

35 2. Every such prohibited sign, signal or marking is hereby
36 declared to be a public nuisance, and the proper public authority
37 may remove the same or cause it to be removed without notice.

38 3. This section does not prohibit the erection upon private
39 property adjacent to highways of signs giving useful directional
40 information and of a type that cannot be mistaken for official traffic-
41 control devices.

42 4. A person may place and maintain commercial advertising in
43 an airspace above a highway under the conditions specified pursuant
44 to subsection 3 of NRS 405.110, and a public authority may permit
45 commercial advertising that has been placed in an airspace above a



1 highway under the conditions specified pursuant to subsection 3 of
2 NRS 405.110.

3 5. *The provisions of subsection 1 do not apply to any sign,*
4 *signal, marking or street banner bearing thereon any commercial*
5 *advertising that is located:*

6 (a) *On a bench or shelter for passengers of public mass*
7 *transportation built pursuant to a franchise granted pursuant to*
8 *NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and*
9 *269.129, or 277A.330;*

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

11 (c) *By agreement with a county, on a pedestrian overpass,*
12 *elevator, escalator or other structure of transportation that is*
13 *owned, controlled or maintained by the county.*

14 6. If a franchisee receives revenues from commercial
15 advertising authorized by subsection ~~HH~~ 5 and the franchisee is
16 obligated to repay a bond issued by the State of Nevada, the
17 franchisee shall use all revenue generated by the advertising
18 authorized by subsection ~~HH~~ 5 to meet its obligations to the State of
19 Nevada as set forth in the financing agreement and bond indenture,
20 including, without limitation, the payment of operations and
21 maintenance obligations, the funding of reserves and the payment of
22 debt service. To the extent that any surplus revenue remains after
23 the payment of all such obligations, the surplus revenue must be
24 used solely to repay the bond until the bond is repaid.

25 ~~HH~~ 7. As used in this section:

26 (a) "Monorail station" means:

27 (1) A structure for the loading and unloading of passengers
28 from a monorail for which a franchise has been granted pursuant to
29 NRS 705.695 or an agreement has been entered into pursuant to
30 NRS 705.695; and

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

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

34 **Sec. 5.** This act becomes effective on July 1, 2015.



