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FIRST REPRINT

A.B. 447

## 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, 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:**

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

16 Existing law makes it unlawful for any person, firm, corporation, association or  
17 other entity, other than a public utility, to sell, exhibit or offer for sale certain goods  
18 and services or to erect, place, post or maintain certain signs in any roadside park or  
19 safety rest area in this State. A person who violates that provision, or any regulation  
20 adopted governing roadside parks or safety rest areas, shall be punished by a fine of



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21 not more than \$100 for a first offense and not more than \$500 for each subsequent  
22 offense. (NRS 408.433) **Section 1** of this bill raises the limit on a fine for a first  
23 such offense to not more than \$1,000, and for each subsequent offense to not more  
24 than \$5,000.

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

1 **Section 1.** NRS 408.433 is hereby amended to read as follows:  
2 408.433 1. ~~It~~ *Except as otherwise provided in NRS*  
3 *408.553, it* is unlawful for any person, firm, corporation, association  
4 or other entity, other than a public utility, to:

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

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

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

11 2. Any person who violates any provision of this section or any  
12 regulation adopted under this chapter governing roadside parks or  
13 safety rest areas shall be punished by a fine of not more than ~~the~~  
14 ~~\$100~~ *\$1,000* for a first offense and not more than ~~the~~ *\$5,000* for each  
15 subsequent offense.

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

17 408.551 As used in NRS 408.551 to 408.567, inclusive,  
18 "center" means a facility *, including, without limitation, a safety*  
19 *rest area,* to provide information *, services or products* to members  
20 of the traveling public, concerning accommodations, food, fuel and  
21 recreation, through an attendant or some *other* means of  
22 communication.

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

24 408.553 1. The Director may designate appropriate locations  
25 for the construction of centers and the erection and maintenance of  
26 directional and informational signs within the right-of-way.

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

29 ~~It~~ (a) The Department; ~~or~~

30 ~~—2.~~ (b) A city, county or other governmental agency , ~~for private~~  
31 ~~person.~~ under contract with the Department ~~;~~ *or*

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

35 **Sec. 4.** NRS 408.557 is hereby amended to read as follows:

36 408.557 1. The Director shall adopt regulations:



1 (a) Governing the size, shape, lighting and other characteristics  
2 of a sign to be erected at a location designated pursuant to  
3 NRS 408.553;

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

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

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

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

15 (2) Providing ~~information~~ :

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

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

19 (e) Otherwise necessary to carry out the provisions of NRS  
20 408.551 to 408.567, inclusive.

21 2. The regulations adopted by the Director pursuant to  
22 subsection 1 must be consistent with the provisions of 23 U.S.C. ~~§~~  
23 *§§ 111 and 131*.

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

25 408.559 The Department shall develop a plan, in cooperation  
26 with the Commission on Tourism, to carry out the provisions of  
27 NRS 408.551 to 408.567, inclusive. The plan must take into  
28 consideration such factors as:

29 1. Economic development in this state.

30 2. Availability of money for the purposes of NRS 408.551 to  
31 408.567, inclusive.

32 3. Population in a particular area.

33 4. Proposed highway construction.

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

35 ↪ The Department and the Commission shall review the plan at  
36 least once each year and revise it until the provisions of NRS  
37 408.551 to 408.567, inclusive, have been uniformly put into effect  
38 throughout the State.

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

40 408.562 The Director may recommend to the Board, for its  
41 approval, programs to provide information, *services or products*  
42 to the traveling public to be paid from such money as is available for  
43 this purpose pursuant to NRS 408.567.



1     **Sec. 7.** NRS 408.563 is hereby amended to read as follows:  
2     408.563 The Department may contract or enter into other  
3 agreements with governmental agencies in this state or an adjoining  
4 state or with private persons to study various systems of providing  
5 information , *services or products* to the traveling public and to  
6 *erect or construct , sponsor, operate or maintain* signs *and centers*  
7 which provide ~~that~~ *such* information ~~+~~ , *services or products to*  
8 *the traveling public.*

9     **Sec. 8.** NRS 408.567 is hereby amended to read as follows:  
10    408.567 1. Money received by the Department from:

11    (a) Fees for:

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

15       (2) Providing ~~information~~ :  
16        (I) *Information, services or products* concerning  
17 commercial attractions ; and ~~services;~~

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

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

21    (c) Appropriations made by the Legislature for the purposes of  
22 NRS 408.551 to 408.567, inclusive,

23    ↳ must be deposited with the State Treasurer for credit to the  
24 Account for Systems of Providing Information to the Traveling  
25 Public in the State Highway Fund, which is hereby created.

26    2. Money in the Account must only be used to carry out the  
27 provisions of NRS 408.551 to 408.567, inclusive.

28    **Sec. 9.** This act becomes effective on July 1, 2013.

