

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.

~

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

AN ACT relating to highways; revising provisions relating to the construction, operation and maintenance of certain facilities to provide information to 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



\* A B 4 4 7 R 2 \*

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.

---

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 ~~\$100~~  
14 *\$1,000* for a first offense and not more than ~~\$500~~ *\$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 to members of the traveling public,  
20 concerning accommodations, food, fuel and recreation, through an  
21 attendant or some *other* means of communication.

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

23 408.553 1. The Director may designate appropriate locations  
24 for the construction of centers and the erection and maintenance of  
25 directional and informational signs within the right-of-way.

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

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

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

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

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

35 408.557 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* concerning commercial attractions ; and  
17 ~~services; and~~

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

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.** (Deleted by amendment.)

25 **Sec. 6.** (Deleted by amendment.)

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

27 408.563 The Department may contract or enter into other  
28 agreements with governmental agencies in this state or an adjoining  
29 state or with private persons to study various systems of providing  
30 information to the traveling public and to *erect or construct*,  
31 *sponsor, operate or maintain* signs *and centers* which provide  
32 ~~that~~ *such* information ~~to~~ *the traveling public*.

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

34 408.567 1. Money received by the Department from:

35 (a) Fees for:

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

39 (2) Providing ~~information~~ :

40 (I) *Information* concerning commercial attractions ; and  
41 ~~services;~~

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

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



1 (c) Appropriations made by the Legislature for the purposes of  
2 NRS 408.551 to 408.567, inclusive,  
3 ➤ must be deposited with the State Treasurer for credit to the  
4 Account for Systems of Providing Information to the Traveling  
5 Public in the State Highway Fund, which is hereby created.  
6 2. Money in the Account must only be used to carry out the  
7 provisions of NRS 408.551 to 408.567, inclusive.  
8 **Sec. 9.** This act becomes effective on July 1, 2013.

