

ASSEMBLY BILL NO. 426—COMMITTEE  
ON GROWTH AND INFRASTRUCTURE

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing special event advertising. (BDR 35-975)

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 public highways; exempting special events on or near certain highways and structures from certain restrictions on commercial advertising; exempting such advertising from being classified as a public nuisance; exempting such advertising from certain restrictions on outdoor advertisements in or near a right-of-way; exempting such an advertisement from certain fees; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law restricts the placement of commercial advertising on or near certain highways, rights-of-way, bridges or structures, with certain exceptions for: (1) benches and shelters for passengers of mass transit and monorail stations; and (2) touchdown structures, as authorized by a public authority. (NRS 405.110, 410.320, 484B.313) **Section 4** of this bill creates an exception for commercial advertising erected before, during or after a special event that is located: (1) on or over any highway; (2) on any bridge or structure thereon; or (3) on a temporary structure or barrier erected on a highway. For such an exception to be granted, **section 4** requires: (1) the organizer of the special event to receive authorization from a public authority concerning the use and location of such advertising and the placement and maintenance of such advertising; (2) the organizer to enter into a written agreement with the public authority on terms and conditions acceptable to the public authority; (3) such advertising to not constitute a hazard or prevent the safe use of the highway by the public; and (4) such advertising to be placed and maintained for not more than 14 days. **Section 4** also defines the term “special event” to mean a sporting event, concert, festival or other similar event which: (1) will provide an anticipated economic impact of at least \$250,000,000; and (2) is issued a permit as a special event by the public authority with jurisdiction over a way. **Section 5** of this bill establishes similar provisions for any sign, signal,



20 marking or street banner bearing special event advertising that is located on or over  
21 a highway.

22 Existing law deems certain forms of outdoor advertisement a public nuisance  
23 and requires certain officials to remove, efface or destroy such advertisements.  
24 (NRS 405.020) **Section 1** of this bill exempts the special event advertising  
25 permitted pursuant to **section 4** from being deemed a public nuisance.

26 Existing law prohibits the placement of various forms of outdoor  
27 advertisements: (1) within any right-of-way of any state highway or road; (2)  
28 within 20 feet of the main-traveled way of any unimproved highway; or (3) on the  
29 property of another within view of such a highway, if placed without the consent of  
30 the owner of such property. (NRS 405.030) Existing law exempts from such a  
31 prohibition: (1) advertisements placed on benches and shelters for passengers of  
32 mass transit and monorail stations; (2) political signs placed in the right-of-way of a  
33 state highway or road if it is located in the lot of a tenant of a mobile home park; (3)  
34 advertisements within the limits of a city or town through which the highway runs;  
35 and (4) certain street banners. (NRS 277A.310, 405.030) **Section 2** of this bill  
36 additionally exempts the special event advertising permitted pursuant to **sections 4**  
37 **and 5**.

38 Existing law requires a person, firm, association or corporation seeking to place  
39 a billboard, sign or other form of advertising outside the city limits of a city or town  
40 to pay a fee in the sum of \$5 to receive a permit to undertake such an action. (NRS  
41 405.040) **Section 3** of this bill exempts from the fee requirement any billboard, sign  
42 or advertisement for a special event permitted pursuant to **sections 4 and 5**.

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

1 **Section 1.** NRS 405.020 is hereby amended to read as follows:

2 405.020 Any billboard, sign, placard, notice or other form of  
3 outdoor advertisement erected, placed, painted, posted or  
4 maintained otherwise than is provided in NRS 405.020 to ~~405.100,~~  
5 **405.110**, inclusive, or in NRS 408.275 shall be deemed a public  
6 nuisance and shall be removed, effaced or destroyed by the sheriff  
7 and other peace officers having authority wherever such nuisance  
8 may be located.

9 **Sec. 2.** NRS 405.030 is hereby amended to read as follows:

10 405.030 1. Except as otherwise provided in subsection 3 ,  
11 ~~and~~ NRS 277A.310, **405.110 and 484B.313**, and except within the  
12 limits of any city or town through which the highway may run, and  
13 on benches and shelters for passengers of public mass transportation  
14 built pursuant to a franchise granted pursuant to NRS 244.187 and  
15 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.330,  
16 or on monorail stations, it is unlawful for any person, firm or  
17 corporation to paste, paint, print or in any manner whatever place or  
18 attach to any building, fence, gate, bridge, rock, tree, board,  
19 structure or anything whatever, any written, printed, painted or other  
20 outdoor advertisement, bill, notice, sign, picture, card or poster:



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

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

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

7 2. Nothing in this section prevents the posting or maintaining  
8 of any notices required by law to be posted or maintained, or the  
9 placing or maintaining of highway signs giving directions and  
10 distances for the information of the traveling public if the signs are  
11 approved by the Department of Transportation.

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

19 4. If a franchisee receives revenues from an advertisement, bill,  
20 notice, sign, picture, card or poster authorized by subsection 1 and  
21 the franchisee is obligated to repay a bond issued by the State of  
22 Nevada, the franchisee shall use all revenue generated by the  
23 advertisement, bill, notice, sign, picture, card or poster authorized  
24 by subsection 1 to meet its obligations to the State of Nevada as set  
25 forth in the financing agreement and bond indenture, including,  
26 without limitation, the payment of operations and maintenance  
27 obligations, the funding of reserves and the payment of debt service.  
28 To the extent that any surplus revenue remains after the payment of  
29 all such obligations, the surplus revenue must be used solely to  
30 repay the bond until the bond is repaid.

31 5. As used in this section, "monorail station" means:

32 (a) A structure for the loading and unloading of passengers from  
33 a monorail for which a franchise has been granted pursuant to NRS  
34 705.695 or an agreement has been entered into pursuant to NRS  
35 705.695; and

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

37 **Sec. 3.** NRS 405.040 is hereby amended to read as follows:

38 405.040 1. It shall be unlawful for any person, firm,  
39 association or corporation, personally or by agent, to erect, place or  
40 maintain any billboard, sign or any form of notice or advertising  
41 outside the city limits of any city or town:

42 (a) On the public domain;

43 (b) On land owned or leased by such advertiser or agent but not  
44 used as the site for manufacturing the goods or articles advertised;  
45 or



1 (c) On the lands of another except where, by painting, an area of  
2 the barns or other outbuildings thereon may be preserved (for the  
3 purposes of this paragraph "area" is defined as the entire wall or  
4 roof aspect on which an advertisement may be painted),

5 ↪ without first having secured from the county building official, if  
6 one has been appointed pursuant to NRS 278.570, or if not, from the  
7 county clerk of the county in which the sign may be located a permit  
8 to erect, or continue the use of, such sign, billboard or other form of  
9 notice or advertisement.

10 2. No permit for the erection of such sign, billboard or other  
11 form of advertisement shall be issued unless and until the applicant  
12 shall have paid a fee in the sum of \$5. On the tender of the fee the  
13 county building official or county clerk shall issue the permit.

14 3. No fee shall be required for any billboard, sign or  
15 advertisement ~~erected~~:

16 (a) *Erected* or placed by any farm bureau, chamber of  
17 commerce or lawful authority to advertise exclusively any city,  
18 town or geographic area, or public event ~~[-]~~; or

19 (b) *Permitted by a public authority pursuant to a written*  
20 *agreement entered into pursuant to:*

21 (1) *Paragraph (d) of subsection 5 of NRS 405.110; or*

22 (2) *Paragraph (d) of subsection 5 of NRS 484B.313.*

23 4. This section shall not apply to the owner or occupant of any  
24 land outside the limits of any city, who may place or erect on the  
25 land or on the outbuildings thereon any sign or notice or  
26 advertisement intended to benefit the land or improvements thereon  
27 and advertise the business conducted in the buildings on the land.

28 **Sec. 4.** NRS 405.110 is hereby amended to read as follows:

29 405.110 1. Except as otherwise provided in subsection 5, no  
30 advertising signs, signboards, boards or other materials containing  
31 advertising matter may:

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

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

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

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

42 2. With the permission of the Department of Transportation,  
43 counties, towns or cities of this State may place at such points as are  
44 designated by the Director of the Department of Transportation



1 suitable signboards advertising the counties, towns or  
2 municipalities.

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

6 (a) The Department of Transportation has leased the airspace to  
7 the person pursuant to subsection 3 of NRS 408.507, the airspace is  
8 over an interstate highway and:

9 (1) The purpose of the sign, signboard, board or other  
10 material is to identify a commercial establishment that is entirely  
11 located within the airspace, services rendered, or goods produced or  
12 sold upon the commercial establishment or that the facility or  
13 property that is located within the airspace is for sale or lease; and

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

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

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

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

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

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

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



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

4 (a) On a bench or shelter for passengers of public mass  
5 transportation built pursuant to a franchise granted pursuant to NRS  
6 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129,  
7 or 277A.310 and 277A.330;

8 (b) On a monorail station; ~~for~~

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

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

16 (2) Entered a written agreement with the public authority on  
17 terms and conditions acceptable to the public authority ~~for~~; or

18 *(d) On or over any highway, on any bridge or structure  
19 thereon or on a temporary structure or barrier permitted to be  
20 placed on a highway before, during or after a special event, if:*

21 *(1) A public authority authorizes the use and location of  
22 such advertising, and the advertising is placed and maintained by  
23 the organizer of a special event for itself or its sponsors or  
24 partners;*

25 *(2) The organizer of a special event enters into a written  
26 agreement with the public authority on terms and conditions  
27 acceptable to the public authority;*

28 *(3) The advertising does not constitute a hazard or prevent  
29 the safe use of the highway by the public; and*

30 *(4) Such advertising is placed and maintained for not more  
31 than 14 consecutive days.*

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

35 7. Any person placing any such sign in violation of the  
36 provisions of this section shall be punished by a fine of not more  
37 than \$250, and is also liable in damages for any injury or injuries  
38 incurred or for injury to or loss of property sustained by any person  
39 by reason of the violation.

40 8. If a franchisee receives revenues from an advertising sign,  
41 signboard, board or other material containing advertising matter  
42 authorized by subsection 1 and the franchisee is obligated to repay a  
43 bond issued by the State of Nevada, the franchisee shall use all  
44 revenue generated by the advertising sign, signboard, board or other  
45 material containing advertising matter authorized by subsection 1 to



1 meet its obligations to the State of Nevada as set forth in the  
2 financing agreement and bond indenture, including, without  
3 limitation, the payment of operations and maintenance obligations,  
4 the funding of reserves and the payment of debt service. To the  
5 extent that any surplus revenue remains after the payment of all such  
6 obligations, the surplus revenue must be used solely to repay the  
7 bond until the bond is repaid.

8 9. As used in this section:

9 (a) "Monorail station" means:

10 (1) A structure for the loading and unloading of passengers  
11 from a monorail for which a franchise has been granted pursuant to  
12 NRS 705.695 or an agreement has been entered into pursuant to  
13 NRS 705.695; and

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

15 (b) "*Special event*" means a sporting event, concert, festival or  
16 other similar event which:

17 (1) Will provide an anticipated economic impact of  
18 \$250,000,000 or more, certified by the convention and visitors  
19 authority in the jurisdiction where the special event will occur or,  
20 if none, the county fair and recreation board of the county in  
21 which the special event will occur; and

22 (2) After the certification of the anticipated economic  
23 impact pursuant to subparagraph (1), is designated as a special  
24 event by the public authority with jurisdiction over a highway and  
25 is issued a permit as a special event by that public authority.

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

28 **Sec. 5.** NRS 484B.313 is hereby amended to read as follows:

29 484B.313 1. It is unlawful for any person to place, maintain  
30 or display upon or in view of any highway any unauthorized sign,  
31 signal, marking or device which purports to be or is an imitation of  
32 or resembles an official traffic-control device or railroad sign or  
33 signal, or which attempts to direct the movement of traffic, or which  
34 hides from view or interferes with the effectiveness of any such  
35 device, sign or signal, and except as otherwise provided in  
36 subsections 4 and 5, a person shall not place or maintain nor may  
37 any public authority permit upon any highway any sign, signal,  
38 marking or street banner bearing thereon any commercial  
39 advertising.

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

43 3. This section does not prohibit the erection upon private  
44 property adjacent to highways of signs giving useful directional



1 information and of a type that cannot be mistaken for official traffic-  
2 control devices.

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

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

12 (a) On a bench or shelter for passengers of public mass  
13 transportation built pursuant to a franchise granted pursuant to NRS  
14 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129,  
15 or 277A.310 and 277A.330;

16 (b) On a monorail station; ~~or~~

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

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

24 (2) Entered a written agreement with the public authority on  
25 terms and conditions acceptable to the public authority ~~H~~; *or*

26 *(d) On or over any highway before, during or after a special  
27 event, if:*

28 *(1) A public authority authorizes the use and location of  
29 such advertising, and the advertising is placed and maintained by  
30 the organizer of a special event for itself or its sponsors or  
31 partners;*

32 *(2) The organizer of a special event enters into a written  
33 agreement with the public authority on terms and conditions  
34 acceptable to the public authority;*

35 *(3) The advertising does not constitute a hazard or prevent  
36 the safe use of the highway by the public; and*

37 *(4) Such advertising is placed and maintained for not more  
38 than 14 consecutive days.*

39 6. If a franchisee receives revenues from commercial  
40 advertising authorized by subsection 1 and the franchisee is  
41 obligated to repay a bond issued by the State of Nevada, the  
42 franchisee shall use all revenue generated by the advertising  
43 authorized by subsection 1 to meet its obligations to the State of  
44 Nevada as set forth in the financing agreement and bond indenture,  
45 including, without limitation, the payment of operations and





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

5 7. As used in this section:

6 (a) "Monorail station" means:

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

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

12 (b) *"Special event" means a sporting event, concert, festival or*  
13 *other similar event which:*

14 (1) *Will provide an anticipated economic impact of*  
15 *\$250,000,000 or more, certified by the convention and visitors*  
16 *authority in the jurisdiction where the special event will occur or,*  
17 *if none, the county fair and recreation board of the county in*  
18 *which the special event will occur; and*

19 (2) *After the certification of the anticipated economic*  
20 *impact pursuant to subparagraph (1), is designated as a special*  
21 *event by the public authority with jurisdiction over a highway and*  
22 *is issued a permit as a special event by that public authority.*

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

25 ~~(e)~~ (d) "Touchdown structure" means a structure, connected to  
26 a pedestrian bridge, which houses an elevator.

27 **Sec. 6.** This act becomes effective upon passage and approval.

