

Amendment No. 210

Assembly Amendment to Assembly Bill No. 426	(BDR 35-975)
Proposed by: Assembly Committee on Growth and Infrastructure	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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]~~ **43-975**)

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 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 44 5** of this bill creates an exception for **any sign, signal, marking or street banner bearing** 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 44 5** 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 44 5** 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 highway. ~~[Section 5 of this bill establishes similar provisions for any sign, signal, marking or street banner bearing special event advertising that is located on or over a highway.]~~

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

~~— Existing law prohibits the placement of various forms of outdoor advertisements: (1) within any right-of-way of any state highway or road; (2) within 20 feet of the main-traveled~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

Sec. 2. ~~[NRS 405.030 is hereby amended to read as follows:~~

8 ~~405.030 1. Except as otherwise provided in subsection 3, [and] NRS~~
 9 ~~277A.310, 405.110 and 484B.313, and except within the limits of any city or town~~
 10 ~~through which the highway may run, and on benches and shelters for passengers of~~
 11 ~~public mass transportation built pursuant to a franchise granted pursuant to NRS~~
 12 ~~244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.330, or~~
 13 ~~on monorail stations, it is unlawful for any person, firm or corporation to paste,~~
 14 ~~paint, print or in any manner whatever place or attach to any building, fence, gate,~~
 15 ~~bridge, rock, tree, board, structure or anything whatever, any written, printed,~~
 16 ~~painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:~~

17 ~~(a) Within any right-of-way of any state highway or road which is owned or~~
 18 ~~controlled by the Department of Transportation;~~

19 ~~(b) Within 20 feet of the main traveled way of any unimproved highway;~~

20 ~~(c) On the property of another within view of any such highway, without the~~
 21 ~~owner's written consent;~~

22 ~~2. Nothing in this section prevents the posting or maintaining of any notices~~
 23 ~~required by law to be posted or maintained, or the placing or maintaining of~~
 24 ~~highway signs giving directions and distances for the information of the traveling~~
 25 ~~public if the signs are approved by the Department of Transportation;~~

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

32 ~~4. If a franchisee receives revenues from an advertisement, bill, notice, sign,~~
 33 ~~picture, card or poster authorized by subsection 1 and the franchisee is obligated to~~
 34 ~~repay a bond issued by the State of Nevada, the franchisee shall use all revenue~~
 35

generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

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

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

~~(b) Any facilities or appurtenances within such a structure.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 405.040 is hereby amended to read as follows:~~

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

~~(a) On the public domain;~~

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

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

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

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

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

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

~~(b) Permitted by a public authority pursuant to a written agreement entered into pursuant to:~~

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

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

~~4. This section shall not apply to the owner or occupant of any land outside the limits of any city, who may place or erect on the land or on the outbuildings thereon any sign or notice or advertisement intended to benefit the land or improvements thereon and advertise the business conducted in the buildings on the land.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 405.110 is hereby amended to read as follows:~~

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

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

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

~~1 — (c) Except as otherwise provided in subsection 3, be placed upon any bridge or
2 other structure thereon.~~

~~3 — (d) Be so situated with respect to any public highway as to obstruct clear vision
4 of an intersecting highway or highways or otherwise so situated as to constitute a
5 hazard upon or prevent the safe use of the state highway.~~

~~6 — 2. With the permission of the Department of Transportation, counties, towns
7 or cities of this State may place at such points as are designated by the Director of
8 the Department of Transportation suitable signboards advertising the counties,
9 towns or municipalities.~~

~~10 — 3. A person may place an advertising sign, signboard, board or other material
11 containing advertising matter in any airspace above a highway if:~~

~~12 — (a) The Department of Transportation has leased the airspace to the person
13 pursuant to subsection 3 of NRS 408.507, the airspace is over an interstate highway
14 and:~~

~~15 — (1) The purpose of the sign, signboard, board or other material is to
16 identify a commercial establishment that is entirely located within the airspace,
17 services rendered, or goods produced or sold upon the commercial establishment or
18 that the facility or property that is located within the airspace is for sale or lease;
19 and~~

~~20 — (2) The size, location and design of the sign, signboard, board or other
21 material and the quantity of signs, signboards, boards or other materials have been
22 approved by the Department of Transportation; or~~

~~23 — (b) The person owns real property adjacent to an interstate highway and:~~

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

~~29 — (2) The sign, signboard, board or other material is located in the airspace
30 for which the person retained the air rights;~~

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

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

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

~~45 — 5. The provisions of subsection 1 do not apply to any advertising, signs,
46 signboards or other materials containing advertising matter located:~~

~~47 — (a) On a bench or shelter for passengers of public mass transportation built
48 pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and
49 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;~~

~~50 — (b) On a monorail station; [or]~~

~~51 — (c) On a touchdown structure if a public authority authorizes such advertising
52 matter and the advertising matter is placed and maintained by a person who owns
53 real property adjacent to the touchdown structure and who has:~~

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

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

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

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

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

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

~~(4) Such advertising is placed and maintained for not more than 14 consecutive days;~~

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

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

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

~~9. As used in this section:~~

~~(a) "Monorail station" means:~~

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

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

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

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

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

~~(c) "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.] **(Deleted by amendment.)**~~

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

2 484B.313 1. It is unlawful for any person to place, maintain or display upon
3 or in view of any highway any unauthorized sign, signal, marking or device which
4 purports to be or is an imitation of or resembles an official traffic-control device or
5 railroad sign or signal, or which attempts to direct the movement of traffic, or
6 which hides from view or interferes with the effectiveness of any such device, sign
7 or signal, and except as otherwise provided in subsections 4 and 5, a person shall
8 not place or maintain nor may any public authority permit upon any highway any
9 sign, signal, marking or street banner bearing thereon any commercial advertising.

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

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

16 4. A person may place and maintain commercial advertising in an airspace
17 above a highway under the conditions specified pursuant to subsection 3 of NRS
18 405.110, and a public authority may permit commercial advertising that has been
19 placed in an airspace above a highway under the conditions specified pursuant to
20 subsection 3 of NRS 405.110.

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

23 (a) On a bench or shelter for passengers of public mass transportation built
24 pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and
25 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;

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

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

30 (1) Dedicated the touchdown structure to the public authority or has
31 granted a fee or perpetual easement to the public authority for the construction or
32 maintenance of the touchdown structure; and

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

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

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

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

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

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

45 6. If a franchisee receives revenues from commercial advertising authorized
46 by subsection 1 and the franchisee is obligated to repay a bond issued by the State
47 of Nevada, the franchisee shall use all revenue generated by the advertising
48 authorized by subsection 1 to meet its obligations to the State of Nevada as set forth
49 in the financing agreement and bond indenture, including, without limitation, the
50 payment of operations and maintenance obligations, the funding of reserves and the
51 payment of debt service. To the extent that any surplus revenue remains after the
52 payment of all such obligations, the surplus revenue must be used solely to repay
53 the bond until the bond is repaid.

1 7. As used in this section:

2 (a) "Monorail station" means:

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

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

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

9 *(1) Will provide an anticipated economic impact of \$250,000,000 or
10 more, as certified by the ~~convention and visitors authority in the jurisdiction~~
11 ~~where the special event will occur or, if none, the~~ county fair and recreation
12 board of the county in which the special event will occur; and*

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

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

18 ~~(c)~~ (d) "Touchdown structure" means a structure, connected to a pedestrian
19 bridge, which houses an elevator.

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