

Steve Sisolak
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December 21, 2022

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Permanent Regulations of the Department of
Public Safety

LCB File Number R164-22

The Department of Public Safety (DPS) Director's Office will hold a public hearing to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 484 of the Nevada Administrative Code.

January 24, 2023, 2:00 PM
Department of Public Safety
555 Wright Way
Training Room
Carson City, NV 89711

Teleconferencing is available by calling:
Carson City 775-687-0999
Las Vegas 702-486-5260
Participant Collaboration Code 44559

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

The proposed permanent regulation will permit organizers of special events to place, subject to the requirements established by public authorities, commercial advertising on highways, on areas such as pedestrian bridges, during periods when the ways are closed to vehicular traffic. The proposed regulation will enable organizers of special events to place commercial advertising in areas that are

currently prohibited which will, in turn, assist local government entities in securing additional events to the State and potentially reduce the cost of hosting such events.

2. Either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved.

NRS 484B.313 prohibits the placement or maintenance of commercial advertising upon any highway. A highway, for the purposes of NRS 484B.313 constitutes the width between the boundary lines of every way dedicated to a public authority when any part of the way is open to the public for the purpose of vehicular traffic.

The proposed regulation is a new regulation. It clarifies that when a highway is closed to vehicular traffic, including during intermittent periods of such closure, it no longer meets the definition of highway as provided NRS 484B.313. In turn, the prohibition against commercial advertising on highways does not apply during periods when the way is closed to vehicular traffic. The proposed regulation will allow public authorities to permit the placement and maintenance of commercial advertising, subject to conditions the authorities establish, by organizers of special events on highways during periods when the highways are closed to vehicular traffic. Such advertising will be allowed for a period set by the public authority not to exceed fourteen (14) days. If the pertinent way is to open and close intermittently, the event organizer must obscure or convert the advertising in such a manner that it does not constitute a hazard or otherwise prevent the safe use of the way by the public.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:
 - a. Both adverse and beneficial effects; and
 - i. The Public – the proposed regulation will not have any adverse or beneficial effects on the public.
 - ii. Regulated Businesses – organizers of special events will gain the benefit, subject to permits, licenses, or other approval mechanisms by applicable public authorities, to display and maintain commercial advertising on highways when they are closed to vehicular traffic. The proposed regulation will not have any adverse effects on organizers of special events.
 - b. Both immediate and long-term effects.
 - i. The Public – the proposed regulation will not have any immediate or long-term effects on the public.

- ii. Regulated Businesses – immediate (upon establishment of permitting requirements by public authorities) and long-term effects are the same in that organizers of special events will be able to display commercial advertising for themselves and their partners/sponsors during periods when highways are closed to vehicular traffic.
4. Methods used by the agency in determining the impact on small business pursuant to subsection 3 of NRS 233B.0608.

To determine the potential impact of the proposed regulation on small businesses, either by imposing a direct and significant economic burden on small businesses or by directly restricting the formation, operation, or expansion of a small business, the Department, with assistance from representatives at the Las Vegas Convention and Visitors Authority, consulted with the Chief Executive Officers (CEOs) of the Las Vegas Chamber of Commerce and the Reno + Sparks Chamber of Commerce.

Prior to holding its workshop on the proposed regulation, and again after it incorporated edits to the proposed regulation post-workshop, the Department provided such drafts to both CEOs, Ms. Silver and Ms. Sewald. Both CEOs expressed their belief that the proposed regulation would not have an impact on small businesses.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The Department does not believe it will incur any costs associated with the proposed regulation.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulation federal agency.

There is no federal, state, or local government regulation or ordinance that overlaps or duplicates the proposed regulation.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required pursuant to federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulation does not contain provisions which are more stringent than a federal regulation.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The public authorities which may permit the commercial advertising allowed through the proposed regulation may establish a new permitting/licensing fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Department of Public Safety (DPS) may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Department of Public Safety, 555 Wright Way, Carson City, NV 89711. Written submissions must be received by the Department of Public Safety on or before January 17, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Public Safety may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Department of Public Safety, 555 Wright Way, Carson City, Nevada 89711, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us/>. Copies of this notice and proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reason for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing and agenda has been posted in the following locations:

Electronically Posted pursuant to NRS 241.020(4)

Department of Public Safety website <https://dps.nv.gov/>

Nevada State Legislature website www.leg.state.nv.us/App/NoticeA/

Nevada Public Notice website <http://notice.nv.gov>

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December 21, 2022

AGENDA ADOPTION OF PERMANENT REGULATIONS

LCB File Number R164-22

A duly authorized meeting of the Department of Public Safety ("Department") will be held at 2:00 PM on January 24, 2023 at the following locations:

Nevada Department of Public Safety
555 Wright Way
DPS Training Room
Carson City, NV 89711

*Teleconferencing is available by calling:
Carson City 775-687-0999
Las Vegas 702-486-5260
Participants Collaboration Code 44559*

A. Open Meeting

B. Public Comment

The first public comment period is limited to comments on items on the agenda. Items raised under this portion of the agenda cannot be deliberated or acted upon until the notice provisions of the Nevada Open Meeting Law have been met. If you wish to address the Department at this time, please step up to the podium and clearly state your name and spell your first and last name for the record. Comments are limited to three (3) minutes in length.

C. Presentation, Discussion, and Possible Adoption of the Proposed Permanent Regulation under LCB File No. R164-22 (*For Possible Action*)

D. Public Comment

This public comment period is for any matter that is within the jurisdiction of the Department. Items raised under this portion of the agenda cannot be deliberated or acted upon until the notice provisions of the Nevada Open Meeting Law have been met. If you wish to speak to the Board at this time, please step up to the podium and clearly state your name and spell your first and last name for the record. Comments are limited to three (3) minutes in length.

E. Adjournment

Supporting public material for this workshop may be requested from Kim Smith, DPS Public Information Officer, at (775) 309-9144, or via email to Ky.smith@dps.state.nv.us.

Any agenda item may be taken out of order; items may be combined for consideration by the Department; items may be pulled or removed from the agenda at any time; and, discussion relating to an item may be delayed or continued at any time.

THIS MEETING IS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

Department's website at https://dps.nv.gov/media/Public_Meeting_Information/,

The official website of the State of Nevada pursuant to NRS 232.2175 at <http://notice.nv.gov>, and

The Nevada Legislature's website at <http://www.leg.state.nv.us>.

Notice of the workshop was provided via U.S. Mail and/or electronic means to all persons on the Department's email list for noticing of Department actions.

Members of the public who are disabled and require special accommodations or assistance at the workshop are requested to contact John Dekoekkoek, 775-684-4698, jdekoekkoek@dps.state.nv.us.

Steve Sisolak
Governor



Nevada Department of
Public Safety
Dedication Pride Service

George Togliatti
Director

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December 20, 2022

Small Business Impact Statement Methodology

To determine the potential impact of the proposed regulation under LCB File No. R164-22 (Proposed Regulation) on small businesses, either by imposing a direct and significant economic burden on small businesses or by directly restricting the formation, operation, or expansion of a small business, the Department, with assistance from representatives at the Las Vegas Convention and Visitors Authority, consulted with the Chief Executive Officers (CEOs) of the Las Vegas Chamber of Commerce and the Reno + Sparks Chamber of Commerce (collectively, the Chambers).

Prior to holding its workshop on the Proposed Regulation, and again after it incorporated minor edits to the Proposed Regulation post-workshop, the Department provided such drafts to both CEOs, Ms. Silver and Ms. Sewald. Both CEOs expressed their belief that the Proposed Regulation would not have an impact on small businesses. As key advocates of business support in Nevada, the CEOs are best equipped to assess the potential impact of any new regulations in the state and the Department is comfortable relying on their expertise. Interested parties wishing to obtain information on the conclusions of the CEOs may reach out directly to the Chambers.

The Department does not believe that the Proposed Regulation will have any adverse or beneficial effects, either directly or indirectly, on small businesses.

As the Department determined that the Proposed Regulation will not impose a direct and significant economic burden upon small businesses, or directly restrict the formation, operation, or expansion of a small business, it did not consider any methods to reduce its impact on small businesses.

The Department does not anticipate incurring any costs related to the Proposed Regulation.

The Proposed Regulation does not provide a new fee, or increase an existing fee, assessed by the Department.

The Proposed Regulation is not duplicative or more stringent than any federal, state, or local standards regulating the same activity.

To the best of my knowledge and belief, the Department made a concerted effort to determine the impact of the proposed regulation on small businesses. The information contained in this statement is accurate.



George Togliatti
Director

**REVISED PROPOSED REGULATION OF THE
DEPARTMENT OF PUBLIC SAFETY**

LCB File No. R164-22

December 20, 2022

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

AUTHORITY: § 1, NRS 480.130, 480.140 and 480.150.

A REGULATION relating to traffic laws; authorizing a public authority to permit the organizer of a special event to place and maintain certain temporary commercial advertising on a way or bridge over a way under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, with certain exceptions, prohibits a person from placing or maintaining, or public authorities from permitting the placement or maintenance, upon any highway any sign, signal, marking or street banner bearing thereon any commercial advertising. (NRS 484B.313) For the purposes of this prohibition, a “highway” constitutes the entire width between the boundary lines of every way dedicated to a public authority when any part of the way is open to the use of the public for purposes of vehicular traffic. (NRS 484A.095) Existing law authorizes the Department of Public Safety, through the Nevada Highway Patrol Division of the Department, to administer the traffic laws of this State, including, without limitation, the laws governing the placement or maintaining of commercial advertising upon highways. (NRS 480.130, 480.140, 480.150)

This regulation: (1) interprets the term “highway” for the purposes of the prohibition against placing or maintaining commercial advertising upon highways to not include any way that is temporarily closed, or intermittently closed and reopened, to the public for purposes of vehicular traffic because of a special event, including, without limitation, a sporting event, concert, festival or similar type of event which is designated as a special event by the public authority with jurisdiction over the way and is issued a permit as a special event by that public authority; (2) authorizes a public authority to allow, subject to conditions established by the public authority in a permit, the organizer of such a special event for which a way will be closed to the public for purposes of vehicular traffic to place and maintain on the way or a bridge over the way temporary commercial advertising of the organizer, or any of its sponsors or partners, for a period established by the public authority but not to exceed 14 consecutive days; and (3)

requires the organizer of the special event to ensure that during any period when the way is open to the public for purposes of vehicular traffic, any such commercial advertising is obscured or converted in such a manner that the commercial advertising does not constitute a hazard or prevent the safe use of the way by the public. Finally, this regulation specifies that this regulation does not limit the applicability of any other local, state or federal law, regulation or licensing requirement.

Section 1. Chapter 484B of NAC is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of NRS 484B.313, a way is not a “highway,” as defined in NRS 484A.095, at any time during which the way is temporarily closed, or intermittently closed and reopened, to the public for purposes of vehicular traffic because of a special event.

2. A public authority may allow, subject to any conditions established in a permit issued by the public authority, the organizer of a special event for which a way will be temporarily closed, or intermittently closed and reopened, to the public for purposes of vehicular traffic to place and maintain on the way, or a bridge over the way, for a period of time established by the public authority, but not to exceed 14 consecutive days, a temporary sign, signal, marking, banner, placard or billboard bearing thereon any commercial advertising of the organizer, or any of its sponsors or partners.

3. Except as otherwise provided in this subsection, if, pursuant to subsection 2, a temporary sign, signal, marking, banner, placard or billboard is affixed to a pole, building, fence, gate or any other structure authorized by the public authority and located within 20 feet of a portion of a way that will be intermittently closed and reopened to the use of the public for purposes of vehicular traffic, or on a bridge over such a way, because of a special event, the organizer of the special event must ensure that during any time that the portion of the way is

open to the public for purposes of vehicular traffic, the temporary sign, signal, marking, banner, placard or billboard is obscured or converted in a manner such that it does not constitute a hazard upon or prevent the safe use of the way by the public. This subsection does not apply to any structure on which permanent or long-term advertising is allowed pursuant to any other provision of law.

4. Nothing in this section limits the applicability of any other local, state or federal law, regulation or licensing requirement.

5. As used in this section, “special event” means a sporting event, concert, festival or any other similar type of event which is designated as a special event by the public authority with jurisdiction over a way and which is issued a permit as a special event by that public authority.