

LEGISLATIVE BILL 741

Approved by the Governor May 26, 1987

Introduced by Landis, 46; Morehead, 30; Hefner, 19;
 Moore, 24; Nelson, 35; Conway, 17;
 Wesely, 26; Withem, 14; Chizek, 31;
 Korshoj, 16; Harris, 27

AN ACT relating to tourism; to amend sections 39-634.01 and 39-634.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain informational signs on state roads as prescribed; to define and redefine terms; to change provisions relating to fees; to state intent; to eliminate a fund; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-634.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-634.01. (1) Signs, displays, and devices giving specific information of interest to the traveling public shall be erected by or at the direction of the Department of Roads and maintained within the right-of-way at appropriate distances from interchanges on the National System of Interstate and Defense Highways and from roads of the state primary system as shall conform with the rules and regulations adopted and promulgated by the Department of Roads to carry out this section and section 39-634.02. Such rules and regulations shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government pursuant to Title 23, section 131, paragraph f, of the United States Code, ~~except as provided in this section.~~

(2) For purposes of this section, specific information of interest to the traveling public shall mean only information about ~~public places for outdoor recreation,~~ camping, lodging, eating food, and motor fuel and associated services, including trade names. ~~Each business so advertised shall be in operation sixteen hours per day, seven days per week, with telephone and restroom facilities, motor fuel, oil, and water.~~ Information on motor fuel and associated services may include vehicle service and repair where the same are available.

(3) The minimum service that is required to be available for each type of service shall include:

(a) Motor fuel services including:

(i) Vehicle services, which shall include fuel, oil, tire repair, and water;

(ii) Restroom facilities and drinking water;

(iii) Continuous operation of such services for at least sixteen hours per day, seven days per week, for freeways and expressways and continuous operation of such services for at least twelve hours per day, seven days per week, for conventional roads; and

(iv) Telephone services;

(b) Food services including:

(i) Licensing or approval of such services, when required;

(ii) Continuous operation of such services to serve three meals per day, seven days per week; and

(iii) Telephone services;

(c) Lodging services including:

(i) Licensing or approval of such services, when required;

(ii) Adequate sleeping accommodations; and

(iii) Telephone services; and

(d) Camping services including:

(i) Licensing or approval of such services, when required;

(ii) Adequate parking accommodations; and

(iii) Modern sanitary facilities and drinking water.

Sec. 2. That section 39-634.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-634.02. (1) ~~Commercial vendors using informational~~ Applicants for business signs shall furnish informational panels business signs to the Department of Roads and shall pay to the department an annual fee of twenty-five dollars for posting each informational panel for posting such informational business sign and the actual cost of material for, fabrication of, and erecting the specific information sign panels where specific information sign panels have not been installed.

(2) Upon receiving receipt of the informational panels and the business signs and the annual twenty-five dollar fee, the Department of Roads shall post or cause to be posted the business signs where specific information sign panels have been installed. The applicant informational panels and the commercial vendor shall not be required to remove any

advertising device; to qualify for a business sign except any advertising device which was unlawfully erected or in violation of any provision of this act or section 3 of this act, as a condition precedent to the posting of such informational panels by the Department of Roads any rule or regulation of the Department of Roads, or any federal rule or regulation relating to informational signs. The specific information sign panels and business signs shall conform to the requirements of the Federal Beautification Act and The Manual on Uniform Traffic Control Devices as approved in Title 411, section 39-698, of the published rules and regulations of the Department of Roads.

(3) There is hereby created in the state treasury a fund to be known as the Highway Beautification Fund and all funds All revenue received for the posting or erecting of business signs or specific information sign of informational panels pursuant to this section shall be deposited in such fund the Highway Cash Fund, except that any revenue received from the annual fee and for posting or erecting such signs in excess of the state's costs shall be deposited in the General Fund. Such fund shall be expended for the administration of sections 39-634.01 and 39-634.02.

(4) For purposes of this section, unless the context otherwise requires:

(a) Business sign shall mean a sign displaying a commercial brand, symbol, trademark, or name, or combination thereof, designating a motorist service. Business signs shall be mounted on a rectangular information panel; and

(b) Specific information sign panel shall mean a rectangular sign panel with:

- (i) The word gas, food, lodging, or camping;
- (ii) Directional information; and
- (iii) One or more business signs.

(5) The Department of Roads shall provide notice of space available for business signs on any specific information sign panel at least ninety days prior to accepting or approving the posting of any business sign.

Sec. 3. It is the intent of sections 39-634.01 and 39-634.02 to allow the erection of specific information sign panels on the right-of-way of the state highways under the following conditions:

(1) No state funds shall be used for the erection, maintenance, or servicing of such signs;

(2) Such signs shall be erected in accordance with federal standards and the rules and regulations

adopted and promulgated by the Department of Roads:

(3) Such signs may be erected by the Department of Roads or by a contractor selected through the competitive bidding process; and

(4) The Department of Roads shall charge an annual fee in an amount equal to the fair market rental value of the sign site and any other cost to the state associated with the erection, maintenance, or servicing of specific information sign panels. If such sign is erected by a contractor, the annual fee shall be limited to the fair market rental value of the sign site.

Sec. 4. That original sections 39-634.01 and 39-634.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.