

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 926

Introduced by Rogert, 16; Coash, 27; Dubas, 34.

Read first time January 13, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways; to amend sections 39-204, 39-205,
2 and 39-210, Reissue Revised Statutes of Nebraska; to
3 redefine specific information sign panel; to provide
4 minimum requirements for farm wineries as prescribed;
5 to change requirements for tourist-oriented directional
6 sign panels; to harmonize provisions; and to repeal the
7 original sections.

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

1 Section 1. Section 39-204, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-204 (1) Signs, displays, and devices giving specific
4 information of interest to the traveling public shall be erected
5 by or at the direction of the Department of Roads and maintained
6 within the right-of-way at appropriate distances from interchanges
7 on the National System of Interstate and Defense Highways and from
8 roads of the state primary system as shall conform with the rules
9 and regulations adopted and promulgated by the department to carry
10 out this section and section 39-205. Such rules and regulations
11 shall be consistent with national standards promulgated from time
12 to time by the appropriate authority of the federal government
13 pursuant to 23 U.S.C. 131(f).

14 (2) For purposes of this section, specific information of
15 interest to the traveling public shall mean only information about
16 camping, lodging, food, wineries, and motor fuel and associated
17 services, including trade names.

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

20 (a) Motor fuel services including:

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

23 (ii) Restroom facilities and drinking water;

24 (iii) Continuous operation of such services for at least
25 sixteen hours per day, seven days per week, for freeways and

1 expressways and continuous operation of such services for at least
2 twelve hours per day, seven days per week, for conventional roads;
3 and

4 (iv) Telephone services;

5 (b) Winery services including:

6 (i) A farm winery license under the Nebraska Liquor
7 Control Act; and

8 (ii) Restroom facilities and drinking water;

9 ~~(b)~~ (c) Food services including:

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

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

14 (iii) Telephone services;

15 ~~(c)~~ (d) Lodging services including:

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

18 (ii) Adequate sleeping accommodations; and

19 (iii) Telephone services; and

20 ~~(d)~~ (e) Camping services including:

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

23 (ii) Adequate parking accommodations; and

24 (iii) Modern sanitary facilities and drinking water.

25 Sec. 2. Section 39-205, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 39-205 (1) Applicants for business signs shall furnish
3 business signs to the Department of Roads and shall pay to the
4 department an annual fee for posting each business sign and the
5 actual cost of material for, fabrication of, and erecting the
6 specific information sign panels where specific information sign
7 panels have not been installed.

8 (2) Upon receipt of the business signs and the annual
9 fee, the department shall post or cause to be posted the business
10 signs where specific information sign panels have been installed.
11 The applicant shall not be required to remove any advertising
12 device to qualify for a business sign except any advertising device
13 which was unlawfully erected or in violation of section 39-202,
14 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule
15 or regulation of the department, or any federal rule or regulation
16 relating to informational signs. The specific information sign
17 panels and business signs shall conform to the requirements of
18 the Federal Beautification Act and the Manual on Uniform Traffic
19 Control Devices adopted pursuant to section 60-6,118.

20 (3) All revenue received for the posting or erecting
21 of business signs or specific information sign panels pursuant to
22 this section shall be deposited in the Highway Cash Fund, except
23 that any revenue received from the annual fee and for posting
24 or erecting such signs in excess of the state's costs shall be
25 deposited in the General Fund.

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

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

7 (b) Specific information sign panel ~~shall mean~~ means a
8 rectangular sign panel with:

9 (i) The word gas, food, winery, lodging, or camping;

10 (ii) Directional information; and

11 (iii) One or more business signs.

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

16 Sec. 3. Section 39-210, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 39-210 To qualify to appear on a tourist-oriented
19 directional sign panel, an activity shall be licensed and approved
20 by the state and local agencies if required by law and be open
21 to the public at least ~~eight hours per day, five days~~ twenty
22 hours per week, including Saturdays or Sundays, during the normal
23 season of the activity. The activity, before qualifying to appear
24 on a sign panel, shall provide to the Department of Roads
25 assurance of its conformity with all applicable laws relating to

1 discrimination based on race, creed, color, sex, national origin,
2 ancestry, political affiliation, or religion. If the activity
3 violates any of such laws, it shall lose its eligibility to appear
4 on a tourist-oriented directional sign panel. In addition, the
5 qualifying activity shall be required to remove any advertising
6 device which was unlawfully erected or which is in violation of
7 section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or
8 39-220, any rule or regulation of the department, or any federal
9 rule or regulation relating to tourist-oriented directional sign
10 panels. The tourist-oriented directional sign panels shall conform
11 to the requirements of the Federal Beautification Act and the
12 Manual on Uniform Traffic Control Devices as adopted pursuant to
13 section 60-6,118.

14 Sec. 4. Original sections 39-204, 39-205, and 39-210,
15 Reissue Revised Statutes of Nebraska, are repealed.