

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 691 OF 1993**  
**HOUSE BILL 1533**

4 **By: Representatives Hendrix, Cunningham, Willems, Arnold, D. Wood, Hinshaw, Blair,**  
5 **McJunkin, Schexnayder, McGee, Hunton, Steele, Carter, Sheid, Curran, Hill, Stalnaker, von**  
6 **Grempp**

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## **For An Act To Be Entitled**

10 "AN ACT TO AMEND THE ARKANSAS HIGHWAY BEAUTIFICATION  
11 ACT, SPECIFICALLY, ARKANSAS CODE SECTION 27-74-102 TO ADD  
12 THE DEFINITION SCENIC BYWAY AND ARKANSAS CODE SECTION  
13 27-74-204 TO LIMIT THE ERECTION OF OUTDOOR ADVERTISING  
14 SIGNS, DISPLAYS, AND DEVICES ALONG A SCENIC BYWAY TO  
15 THOSE PERMITTED BY 23 U.S.C. §131 (c), ALL FOR THE  
16 PURPOSES OF ALLOWING THE STATE OF ARKANSAS TO BE ELIGIBLE  
17 TO PARTICIPATE IN A FEDERALLY-AIDED SCENIC BYWAY PROGRAM;  
18 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

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## **Subtitle**

21 "SCENIC BYWAYS."

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code Section 27-74-102 is hereby amended to read as  
26 follows:

27 "27-74-102. Definitions.

28 As used in this chapter, unless the context otherwise requires:

29 (1) Outdoor advertising means any outdoor sign, display, device,  
30 figures, painting, drawing, message, plaque, poster, billboard, or other thing  
31 which is designed, intended, or used to advertise or inform, any part of the  
32 advertising or informational contents of which is visible from any place on  
33 the main-traveled way of the interstate, or primary highways;

34 (2) Safety rest area means an area or site established, operated, and  
35 maintained within or adjacent to the right-of-way by or under public  
36 supervision or control, for the convenience of the traveling public;

1 (3) Information center means an area or site established, operated, and  
2 maintained at a safety rest area for the purpose of informing the public of  
3 places of interest within the State of Arkansas and providing such other  
4 information as the State Highway Commission may deem desirable;

5 (4) Interstate system or "interstate" means that portion of the  
6 National System of Interstate and Defense Highways located within this state,  
7 as officially designated or as may hereafter be designated by the State  
8 Highway Commission and approved by the Secretary of Transportation, pursuant  
9 to the provisions of Title 23 of the United States Code;

10 (5) Primary system or primary means that portion of the federal aid  
11 primary system located within this state, as officially designated or as may  
12 hereafter be designated by the State Highway Commission and approved by the  
13 Secretary of Transportation, pursuant to the provisions of Title 23 of the  
14 United States Code;

15 (6) Motorist services directional sign means a sign giving directional  
16 information about goods and services in the interest of the traveling public,  
17 including, but not limited to:

18 (A) Places of public lodging;

19 (B) Places where food is served to the public on a regular basis;

20 (C) Places where automotive fuel or emergency automotive  
21 repair services, including truck stops, are regularly available to the public;

22 (D) Educational institutions;

23 (E) Places of religious worship;

24 (F) Public or private recreation areas, including campgrounds,  
25 resorts, and attractions, natural wonders, wildlife and waterfowl refuges, and  
26 nature trails;

27 (G) Plays, concerts, and fairs;

28 (H) Antique shops; and

29 (I) Agricultural products in a natural state, including  
30 vegetables and fruit.

31 (7) *'Scenic byway'* means a highway, or portion of a highway, that has  
32 been designated a Scenic Byway by the Arkansas State Highway Commission in  
33 accordance with federal laws, regulations and rules pertaining to Scenic  
34 Byways."

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1 SECTION 2. Arkansas Code Section 27-74-204 is hereby amended to read as  
2 follows:

3 "27-74-204. Permitted advertising.

4 (a) *With the exception of and excluding those highways, or portions of*  
5 *highways, which are designated by the State Highway Commission as Scenic*  
6 *Byways, nothing contained in this chapter shall prohibit the erection and*  
7 maintenance of outdoor advertising signs, displays, and devices consistent  
8 with customary use within six hundred sixty feet (660') of the nearest edge of  
9 the right-of-way of interstate, primary, and other state highways designated  
10 by the State Highway Commission:

11 (1) Within those areas which are zoned industrial or commercial under  
12 authority of the laws of this state; or

13 (2) Within those unzoned commercial or industrial areas which may be  
14 determined by agreement between the commission and the U.S. Secretary of  
15 Transportation.

16 (b) Neither shall these prohibitions apply to signs, displays, and  
17 devices:

18 (1) Advertising the sale or lease of property upon which they are  
19 located;

20 (2) Advertising activities conducted on the property upon which they are  
21 located;

22 (3) Which locate, identify, mark, or warn of the presence of pipelines,  
23 utility lines, or rail lines, and appurtenances thereto, including, but not  
24 limited to, markers used in maintenance, operation, observation, and safety;

25 (4) Granted an exemption by the Secretary of Transportation pursuant to  
26 23 U.S.C. § 131(o).

27 (c) The erection of outdoor advertising signs, displays, and devices  
28 along a Scenic Byway shall be limited to those permitted by 23 U.S.C. §131  
29 (c)."

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31 SECTION 3. All provisions of this act of a general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 4. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

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6 SECTION 5. All laws and parts of laws in conflict with this act are  
7 hereby repealed.

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9 SECTION 6. EMERGENCY. It is hereby found and determined by the General  
10 Assembly that the amendments contained in this act are necessary in order for  
11 the State of Arkansas to be eligible to participate in a federally-aided  
12 Scenic Byway program which federal funds may be utilized for much needed  
13 improvements to the State\_s scenic byways and only by the immediate  
14 effectiveness of this act may the State take full advantage as soon as  
15 possible of such federal-aid funds. Therefore, an emergency is hereby  
16 declared to exist, and this act being immediately necessary for the  
17 preservation of the public peace, health, and safety shall be in full force  
18 and effect from and after its passage and approval.

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20 /s/B.G. Hendrix, et al

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22 APPROVED: 3/24/93

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