

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/18/03

A Bill

HOUSE BILL 2816

5 By: Representative Bolin
6
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE POSTING OF TOURIST-
10 ORIENTED DIRECTIONAL SIGNS, RECREATIONAL AND
11 CULTURAL INTEREST AREA SIGNS, AND SPECIFIC
12 SERVICE SIGNS ON ARKANSAS STREETS AND HIGHWAYS TO
13 INFORM ROAD USERS OF BUSINESS, SERVICE, AND
14 ACTIVITY FACILITIES, RECREATIONAL AND CULTURAL
15 ATTRACTIONS; TO EXPAND THE USE OF SPECIFIC
16 SERVICE SIGNS BY THE ARKANSAS HIGHWAY AND
17 TRANSPORTATION DEPARTMENT TO INCLUDE ATTRACTIONS;
18 AND FOR OTHER PURPOSES.
19

Subtitle

20 TO ALLOW THE POSTING OF TOURIST-ORIENTED
21 DIRECTIONAL SIGNS, RECREATIONAL AND
22 CULTURAL INTEREST AREA SIGNS, AND
23 SPECIFIC SERVICE SIGNS ON ARKANSAS
24 STREETS AND HIGHWAYS.
25
26
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
29

30 SECTION 1. (a) The Arkansas Highway and Transportation Department
31 shall develop and implement a state policy allowing the placement of tourist-
32 oriented directional signs, including those providing directional information
33 for both publicly-owned and privately-owned facilities, as described by and
34 in compliance with the Federal Manual on Uniform Traffic Control Devices,
35 described in 23 U.S.C. 109(d) and 402(a) and in the Code of Federal
36 Regulations, specifically 23 CFR 655, Subpart F, as were in effect on January



03082003EAN1525.ONE288

1 1, 2003.

2 (b) This state policy shall include:

3 (1)(A) A definition of tourist-oriented business, service, and
4 activity facilities, including definitions for both publicly-owned and
5 privately-owned facilities.

6 (B) Any facilities that would qualify under the Federal
7 Manual on Uniform Traffic Control Devices shall not be excluded from the
8 definition.

9 (2) Eligibility criteria for signs for facilities;

10 (3) A provision for incorporating specific service signs into
11 the tourist-oriented directional signs as required;

12 (4) A provision for covering signs during off seasons for
13 facilities operated on a seasonal basis;

14 (5) A provision for signs to facilities that are not located on
15 the crossroad when the facility is eligible for signs;

16 (6) A definition of the immediate area that includes the concept
17 that the major portion of income or visitors to the facility should come from
18 road users not residing in the immediate area of the facility;

19 (7) The maximum distances to eligible facilities that are no
20 more than five (5) miles;

21 (8) A provision for information centers or plazas when the
22 number of eligible sign applicants exceeds the maximum permissible number of
23 sign panel installations;

24 (9) A provision for limiting the number of signs when there are
25 more applicants than the maximum number of signs permitted;

26 (10) Criteria for use at intersections on expressways;

27 (11) A provision for controlling or excluding businesses that
28 have illegal signs as defined under the federal Highway Beautification Act of
29 1965, 23 U.S.C. § 131;

30 (12) A provision for the Arkansas Highway and Transportation
31 Department, as well as counties, and municipalities that choose to
32 participate in constructing and erecting tourist-oriented directional signs,
33 to charge reasonable fees to cover the cost of signs through a permit system
34 where the fee shall not exceed the actual cost of constructing and erecting
35 the sign;

36 (13) A definition of the conditions under which the time of

1 operation is shown; and

2 (14) A provision for determining if advance signs are to be
3 permitted and the circumstances under which the advance signs are installed.

4
5 SECTION 2. (a)(1) Any facility which may qualify for the erection of
6 one or more tourist-oriented directional signs shall submit their request for
7 tourist-oriented directional sign or signs in writing to the Arkansas Highway
8 and Transportation Department.

9 (2) The requesting facility shall be eligible for tourist-
10 oriented directional signs only if it derives its major portion of income or
11 visitors during the normal business season from road users not residing in
12 the area of the facility.

13 (b) The Arkansas Highway and Transportation Department, in
14 consultation with the Arkansas Department of Parks and Tourism, shall place
15 tourist-oriented directional signs along Arkansas streets, roads, and
16 highways to inform road users of business, service, and activity facilities,
17 which may include both publicly-owned and privately-owned facilities which
18 meet the criteria defined in the Federal Manual on Uniform Traffic Control
19 Devices, described in 23 U.S.C. 109(d) and 402(a) and in the Code of Federal
20 Regulations, specifically 23 CFR 655, Subpart F, as were in effect on January
21 1, 2003.

22 (c) No facilities that qualify under the Federal Manual on Uniform
23 Traffic Control Devices are excluded from eligibility for tourist-oriented
24 directional signs.

25
26 SECTION 3. (a) The Arkansas Highway and Transportation Department
27 shall expand the utilization of specific service signs, also known as logo
28 signs, by allowing the placement of signs identifying “gas”, “food”,
29 “lodging”, “camping”, and “attractions”.

30 (b)(1) The specific service signs identifying attraction services
31 shall include only facilities that have the primary purpose of providing
32 amusement, historical, cultural, or leisure activities to the public.

33 (2) Both publicly-owned and privately-owned facilities shall be
34 eligible for specific service signs.

35 (c) However, all specific service signs shall comply with the Federal
36 Manual on Uniform Traffic Control Devices, described in 23 U.S.C. 109(d) and

1 402(a) and in the Code of Federal Regulations, specifically 23 CFR 655,
2 Subpart F, as were in effect on January 1, 2003.

3
4 SECTION 4. If both a tourist-oriented directional sign and specific
5 service sign are needed at the same intersection, the tourist-oriented
6 directional signs shall incorporate the needed information from, and shall be
7 used in place of, the specific service sign.

8
9 SECTION 5. (a)(1) The Arkansas Highway and Transportation Department
10 shall develop and implement a state policy allowing the placement of
11 recreational and cultural interest area signs.

12 (2) The policy shall provide for directional information for
13 recreational and cultural interest facilities that shall include, but not be
14 limited to parks, campgrounds, museums, art galleries, and historical
15 buildings or sites.

16 (b) Both publicly-owned and privately-owned facilities are eligible
17 for recreational and cultural interest area signs.

18 (c) However, all recreational and cultural interest area signs shall
19 comply with the Federal Manual on Uniform Traffic Control Devices, described
20 in 23 U.S.C. 109(d) and 402(a) and in the Code of Federal Regulations,
21 specifically 23 CFR 655, Subpart F, as were in effect on January 1, 2003.

22
23 SECTION 6. (a) The Arkansas Highway and Transportation Department
24 shall commence the process of developing the state policies required by this
25 act and necessary for compliance with the Federal Manual on Uniform Traffic
26 Control Devices and other laws, regulations, and procedures of the Federal
27 Highway Administration as soon as possible.

28 (b) However, a final state policy shall be in place no later than
29 September 1, 2003, in order that applications for specific service signs,
30 tourist-oriented directional signs, and recreational and cultural interest
31 area signs may be received from eligible attractions and facilities.

32
33 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that the existing signage on
35 Arkansas roads is inadequate to properly identify some tourist activities and
36 some facilities of recreational and cultural interest; that these tourist

1 activities and cultural and recreational facilities must remain competitive
2 in today's global economy; that other states more fully take advantage of the
3 opportunities to utilize road signs to promote tourist activities and
4 cultural and recreational facilities; that these signs are necessary to offer
5 these activities and facilities for a business environment compatible with
6 other states; that without these signs valuable tourism revenue would be
7 lost, depriving state and local government of tax revenue and Arkansans of
8 jobs and the economic benefit that the jobs bring to the state; that
9 unemployment and revenue shortages for state and local government have
10 reached intolerable levels, and that it is essential that the benefits to the
11 citizens of this state provided for in this act be enacted as soon as
12 practicable. Therefore, an emergency is declared to exist and this act being
13 immediately necessary for the preservation of the public peace, health and
14 safety shall become effective on:

15 (1) The date of its approval by the Governor;

16 (2) If the bill is neither approved nor vetoed by the Governor, the
17 expiration of the period of time during which the Governor may veto the bill;
18 or

19 (3) If the bill is vetoed by the Governor and the veto is overridden,
20 the date the last house overrides the veto.

21 /s/ Bolin