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.

Act 1963 of the Regular Session

1	State of Arkansas	As Engrossed: H3/30/05	
2	85th General Assembly	A Bill	
3	Regular Session, 2005		HOUSE BILL 2665
4			
5	By: Representative Ledbetter		
6			
7			
8		For An Act To Be Entitled	
9	AN ACT TO	ENCOURAGE THE USE OF SHIELDED	OUTDOOR
10	LIGHTING;	AND FOR OTHER PURPOSES.	
11			
12		Subtitle	
13	THE SH	IELDED OUTDOOR LIGHTING ACT.	
14			
15			
16	BE IT ENACTED BY THE GEN	ERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
17			
18	SECTION 1. Arkans	as Code Title 8 is amended to	add an additional
19	chapter to read as follo	ws:	
20	8-14-101. Title.		
21	This chapter shall	be known and may be cited as	the "Shielded Outdoor
22	Lighting Act".		
23			
24	8-14-102. Purpose	<u>•</u>	
25	The purpose of thi	s chapter is to conserve energ	gy and preserve the
26	environment through the	regulation of outdoor lighting	g fixtures.
27			
28	8-14-103. Definit	ions.	
29	As used in this ch	apter:	
30	(1) "Outdoor ligh	ting fixture" means an automat	cically-controlled,
31	outdoor artificial illum	inating device, whether perman	nent or portable, used
32	for illumination or adve	rtisement, including searchlig	ghts, spotlights, and
33	floodlights, whether for	architectural lighting, parki	ing lot lighting,
34	landscape lighting, bill	boards, or street lighting; an	<u>nd</u>
35	(2) "Shielded" me	ans a fixture that is covered	in a manner that light



1	rays emitted by the fixture, either directly from the lamp or indirectly from
2	the fixture, are projected below a horizontal plane running through the
3	lowest point on the fixture where light is emitted.
4	
5	8-14-104. Shielding — Prohibitions - Exemptions.
6	(a) After January 1, 2006:
7	(1)(A) No public funds shall be used to install an outdoor
8	lighting fixture unless it is shielded.
9	(B) The provisions of subdivision (a)(1) of this section
10	shall not apply to a municipally owned utility if the municipal employee
11	responsible for procurement determines that the cost of acquiring a shielded
12	outdoor lighting fixture will be more expensive than the alternative after
13	<pre>comparing:</pre>
14	(i) The cost of the fixtures; and
15	(ii) The projected energy cost of the operation of
16	the fixtures;
17	(C) No state funds shall be used for the installation of a
18	shielded or unshielded mercury vapor outdoor lighting fixture.
19	(2) The Arkansas Department of Environmental Quality shall
20	promulgate regulations prohibiting any person or entity from knowingly
21	placing or disposing of lights containing mercury in a landfill after January
22	<u>1, 2008.</u>
23	(3)(A) Each electric public utility shall offer a shielded
24	<u>lighting service option.</u>
25	(B) Not later than January 1, 2006, each electric public
26	utility shall file an application with the Arkansas Public Service Commission
27	to establish a schedule of rates and charges for the provision of a shielded
28	lighting service option to the utility's customers.
29	(C) The Arkansas Public Service Commission shall require
30	each electric public utility to inform its customers of the availability of
31	the shielded lighting service.
32	(b) This chapter does not apply to acquisitions of:
33	(1) Incandescent outdoor lighting fixtures of one hundred fifty
34	watts (150W) or less or other light sources of seventy watts (70W) or less;
35	(2) Outdoor lighting fixtures on advertisement signs on
36	interstate or federal primary highways.

2

1	(3)(A) Outdoor lighting fixtures existing and legally installed		
2	before the effective date of this chapter.		
3	(B) However, if an existing outdoor lighting fixture		
4	exempted from the provisions of this chapter under subdivision (b)(3)(A) of		
5	this section needs to be replaced, the acquisition of the replacement outdoor		
6	lighting fixture shall be subject to the provisions of this chapter;		
7	(4) Navigational lighting systems at airports or other lighting		
8	necessary for aircraft safety; and		
9	(5) Outdoor lighting fixtures that are necessary for worker		
10	safety at farms, ranches, dairies, or feedlots or industrial, mining, or oil		
11	and gas facilities.		
12			
13	8-14-105. Penalties.		
14	Violations of this chapter are punishable by:		
15	(1) A warning for a first offense; and		
16	(2) A fine of twenty-five dollars (\$25.00) minus the replacement		
17	cost for each offending outdoor lighting fixture for a second or subsequent		
18	offense or for an offense that continues for thirty (30) calendar days from		
19	the date of the warning.		
20			
21	8-14-106. Enforcement.		
22	This chapter may be enforced by a town, city, or county of this state		
23	by seeking injunctive relief in a court of competent jurisdiction.		
24			
25	8-14-107. Provisions supplemental.		
26	The provisions of this chapter are cumulative and supplemental and		
27	shall not apply within a town, city, or county of this state that by		
28	ordinance has adopted provisions restricting light pollution that are equal		
29	to or more stringent than the provisions of this chapter.		
30			
31	/s/ Ledbetter		
32			
33			
34	APPROVED: 04/11/2005		
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