

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

A Bill

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**

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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

1 supervision or control, for the convenience of the traveling public;

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

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

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

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

19 (A) Places of public lodging;

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

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

23 (D) Educational institutions;

24 (E) Places of religious worship;

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

28 (G) Plays, concerts, and fairs;

29 (H) Antique shops; and

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

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

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

"27-74-204. Permitted advertising.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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