

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Malone**

A Bill

SENATE BILL 379

For An Act To Be Entitled

8 "PERTAINING TO THE ARKANSAS HIGHWAY BEAUTIFICATION ACT; TO
9 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

12 "PERTAINING TO THE ARKANSAS HIGHWAY BEAUTIFICATION ACT."

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

16 SECTION 1. Arkansas Code Annotated §27-74-102 is amended by adding
17 subsection (7) to the end thereof as follows:

18 "*(7) 'Scenic byway' means a highway, or portion of a highway, that has*
19 *been designated a Scenic Byway by the Arkansas State Highway Commission in*
20 *accordance with federal laws, regulations and rules pertaining to scenic*
21 *byways.*"

23 SECTION 2. Arkansas Code Annotated §27-74-204 is amended to read as
24 follows:

25 "§27-74-204. Permitted advertising.

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

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

35 (2) Within those unzoned commercial or industrial areas which may

1 be determined by agreement between the commission and the U.S. Secretary of
2 Transportation.

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

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

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

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

12 (4) Granted an exemption by the Secretary of Transportation pursuant to
13 23 U.S.C. §131(o).

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

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

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

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

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31 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
32 General Assembly that it is necessary for the State of Arkansas to continue to
33 beautify the landscape along the scenic highways in the State; that the
34 amendments contained in this act are necessary in order for the State to be
35 eligible to participate in a federally-aided Scenic Byway Program from which

1 funds are available for the needed improvements to the State's scenic byways;
2 and that the immediate effectiveness of this act is necessary to allow the
3 State to take full advantage of the federal-aid funds. Therefore an emergency
4 is hereby declared to exist and this act being necessary for the immediate
5 preservation of the public peace, health and safety shall be in full force and
6 effect from and after its passage and approval.

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/s/ Senator Malone

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