

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1795

5 By: Representative S. Meeks
6

For An Act To Be Entitled

8 AN ACT TO REPEAL THE SHIELDED OUTDOOR LIGHTING ACT;
9 AND FOR OTHER PURPOSES.
10

Subtitle

11 TO REPEAL THE SHIELDED OUTDOOR LIGHTING
12 ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 8, Chapter 14, is repealed.

20 ~~CHAPTER 14 SHIELDED OUTDOOR LIGHTING ACT~~
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22 ~~8-14-101. Title.~~

23 ~~This chapter shall be known and may be cited as the "Shielded Outdoor~~
24 ~~Lighting Act".~~
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26 ~~8-14-102. Purpose.~~

27 ~~The purpose of this chapter is to conserve energy and preserve the~~
28 ~~environment through the regulation of outdoor lighting fixtures.~~
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30 ~~8-14-103. Definitions.~~

31 ~~As used in this chapter:~~

32 ~~(1) "Outdoor lighting fixture" means an automatically~~
33 ~~controlled, outdoor artificial illuminating device, whether permanent or~~
34 ~~portable, used for illumination or advertisement, including searchlights,~~
35 ~~spotlights, and floodlights, whether for architectural lighting, parking lot~~
36 ~~lighting, landscape lighting, billboards, or street lighting; and~~



1 ~~(2) “Shielded” means a fixture that is covered in a manner that~~
 2 ~~light rays emitted by the fixture, either directly from the lamp or~~
 3 ~~indirectly from the fixture, are projected below a horizontal plane running~~
 4 ~~through the lowest point on the fixture where light is emitted.~~

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 6 ~~8-14-104. Shielding—Prohibitions—Exemptions.~~

7 ~~(a)(1)(A) No public funds shall be used to install an outdoor lighting~~
 8 ~~fixture unless it is shielded.~~

9 ~~(B) Subdivision (a)(1)(A) of this section does not apply~~
 10 ~~to any municipality or county if the governing body of the municipality or~~
 11 ~~county determines by ordinance or to a municipally owned utility if the~~
 12 ~~municipal employee responsible for procurement determines that the cost of~~
 13 ~~acquiring a shielded outdoor lighting fixture will be prohibitive after~~
 14 ~~comparing:~~

15 ~~(i) The cost of the fixtures; and~~

16 ~~(ii) The projected energy cost of the operation of~~
 17 ~~the fixtures.~~

18 ~~(2) The Division of Environmental Quality shall promulgate rules~~
 19 ~~prohibiting any person or entity from knowingly placing or disposing of the~~
 20 ~~bulb or tube portion of an electric lighting device containing hazardous~~
 21 ~~levels of mercury in a landfill if:~~

22 ~~(A) The electric lighting device contains more than two-~~
 23 ~~tenths milligram per liter (0.2 mg/l) of leachable mercury as measured by the~~
 24 ~~Toxicity Characteristic Leaching Procedure as set out in United States~~
 25 ~~Environmental Protection Agency Test Method 1311; and~~

26 ~~(B) Adequate facilities exist for the public to properly~~
 27 ~~dispose of the electric lighting device described in subdivision (a)(2)(A) of~~
 28 ~~this section.~~

29 ~~(3)(A) Each electric public utility shall offer a shielded~~
 30 ~~lighting service option.~~

31 ~~(B) Each electric public utility shall file an application~~
 32 ~~with the Arkansas Public Service Commission to establish a schedule of rates~~
 33 ~~and charges for the provision of a shielded lighting service option to the~~
 34 ~~utility’s customers.~~

35 ~~(C) The commission shall require each electric public~~
 36 ~~utility to inform its customers of the availability of the shielded lighting~~

1 service.

2 ~~(b) This chapter does not apply to acquisitions of:~~

3 ~~(1) Incandescent outdoor lighting fixtures of one hundred fifty~~
 4 ~~watts (150 W) or less or other light sources of seventy watts (70 W) or less;~~

5 ~~(2) Outdoor lighting fixtures on advertisement signs on~~
 6 ~~interstate or federal primary highways;~~

7 ~~(3)(A) Outdoor lighting fixtures existing and legally installed~~
 8 ~~before August 12, 2005.~~

9 ~~(B) However, if an existing outdoor lighting fixture~~
 10 ~~exempted from this chapter under subdivision (b)(3)(A) of this section needs~~
 11 ~~to be replaced, the acquisition of the replacement outdoor lighting fixture~~
 12 ~~shall be subject to the provisions of this chapter;~~

13 ~~(4) Navigational lighting systems at airports or other lighting~~
 14 ~~necessary for aircraft safety; and~~

15 ~~(5) Outdoor lighting fixtures that are necessary for worker~~
 16 ~~safety at farms, ranches, dairies, or feedlots or industrial, mining, or oil~~
 17 ~~and gas facilities.~~

18 ~~(c) This chapter does not apply to outdoor lighting fixtures~~
 19 ~~maintained or installed by:~~

20 ~~(1) A public school district;~~

21 ~~(2) A correctional facility;~~

22 ~~(3) A juvenile detention facility;~~

23 ~~(4) An adult detention facility;~~

24 ~~(5) A mental health facility; or~~

25 ~~(6) A state-supported institution of higher education.~~

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 27 ~~8-14-105. Penalties.~~

28 ~~Violations of this chapter are punishable by:~~

29 ~~(1) A warning for a first offense; and~~

30 ~~(2) A fine of twenty five dollars (\$25.00) minus the replacement~~
 31 ~~cost for each offending outdoor lighting fixture for a second or subsequent~~
 32 ~~offense or for an offense that continues for thirty (30) calendar days from~~
 33 ~~the date of the warning.~~

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 35 ~~8-14-106. Enforcement.~~

36 ~~This chapter may be enforced by a town, city, or county of this state~~

1 ~~by seeking injunctive relief in a court of competent jurisdiction.~~

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~~8-14-107. Provisions supplemental.~~

~~The provisions of this chapter are cumulative and supplemental and shall not apply within a town, city, or county of this state that by ordinance has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of this chapter.~~