

1 State of Arkansas *As Engrossed: S2/23/21 S3/3/21*

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 263

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5 By: Senator K. Hammer

6 By: Representative Furman

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## For An Act To Be Entitled

9 AN ACT TO REGULATE THE ATTACHMENT OF SIGNS TO UTILITY  
10 POLES; AND FOR OTHER PURPOSES.

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## Subtitle

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TO REGULATE THE ATTACHMENT OF SIGNS TO

15

UTILITY POLES.

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

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20 SECTION 1. Arkansas Code § 5-67-103(a), concerning the prohibition on  
21 attaching signs to utility poles or living plants, is amended to read as  
22 follows:

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(a)(1) It is unlawful for any person, firm, corporation, or  
association to nail, staple, or otherwise attach or cause to be nailed,  
stapled, or otherwise attached any sign, poster, or billboard to any ~~public~~  
utility pole used to provide utility, cable, telecommunication, or broadband  
services or to any living tree, shrub, or other plant located upon the  
rights-of-way of any public road, highway, or street in this state.

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(2) ~~However, this~~ The prohibition described in subdivision  
(a)(1) of this section does not apply to a warning, safety, or identification  
sign attached to a ~~public utility pole by a utility company or cooperative~~  
provider of utility, cable, telecommunication, or broadband services or to an  
attachment authorized under § 14-54-701(a)(3).

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SECTION 2. Arkansas Code § 14-54-701(a), concerning the authority of  
municipalities to operate utilities, is amended to add an additional



1 subdivision to read as follows:

2 (3) A municipality may:

3 (A) Allow the installation of attachments to poles owned  
4 by the municipality; and

5 (B)(i) Adopt an ordinance that allows the temporary  
6 attachment of the flag of the United States, the state flag, or a flag of a  
7 municipality to a pole owned by the municipality.

8 (ii) The ordinance under subdivision (a)(3)(B)(i) of  
9 this section:

10 (a) Shall include:

11 (1) Restrictions concerning the size of  
12 the pole attachment, including height and length;

13 (2) The type of pole attachment;

14 (3) Roadway visibility;

15 (4) Dates when flag placement may be  
16 utilized; and

17 (5) Other provisions that may be  
18 necessary to protect an employee of a municipality who may have to physically  
19 climb a pole owned by the municipality; and

20 (b) Shall not:

21 (1) Allow any attachment to a pole in a  
22 state highway right-of-way; or

23 (2) Authorize a member of the public to  
24 install an attachment to a pole owned by a municipality.

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26 SECTION 3. Arkansas Code § 23-4-1002 is amended to read as follows:

27 23-4-1002. Nondiscriminatory access for pole attachments.

28 A public utility shall provide nondiscriminatory access for a pole  
29 attachment to:

30 (1) An electric utility;

31 (2) A telecommunications provider;

32 (3) A cable television service; ~~or~~

33 (4) A cable ~~Internet~~ internet access service; or

34 (5) A municipality.

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*/s/K. Hammer*

**APPROVED: 3/17/21**