

Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

Amendment Form

Subtitle of House Bill No. 1003

THE ARKANSAS NIGHTTIME ENVIRONMENT PROTECTION ACT.

Amendment No. 1 to House Bill No. 1003

Amend House Bill No. 1003 as originally introduced:

Page 3, delete lines 2 through 5, and substitute the following:

"(2)(A) "Electronic message center" means a self-luminous sign that emits or projects any kind of light, color, or message that is computer- or electronically generated.

(B) "Electronic message center" includes displays using incandescent lamps, light-emitting diodes, liquid crystal displays, or a flipper matrix and any sign that creates an image using an array of picture elements or pixels;

(3) "Excessive cost" means the cost to meet the requirement under this subchapter that is at least one hundred twenty-five percent (125%) more expensive than a nonconforming fixture;

(4) "Footcandle" means a unit of illuminance equivalent to the illumination produced by a source of one (1) candle at a distance of one foot (1') and equal to one (1) lumen incident per square foot;

(5) "Fixture" means a complete lighting unit, including without"

AND

Page 3, line 9, delete "(4)" and substitute "(6)"

AND

Page 3, delete lines 13 and 14, and substitute the following:

"(7) "Glare" means the sensation produced by illuminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss of visual performance and visibility;"

AND

Page 3, line 15, delete "(6)" and substitute "(8)"

AND



Page 3, line 17, delete "(7)" and substitute "(9)"

AND

Page 3, line 18, delete "(8)" and substitute "(10)"

AND

Page 3, delete lines 20 through 24, and substitute the following:

"(11) "Light trespass" means excessive or unreasonable light emitted by a fixture that shines beyond the boundaries of the property on which the fixture is located;

(12) "Lumen" means a unit of luminous flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one (1) candela;

(13) "Partially shielded" means a fixture that is constructed so"

AND

Page 3, line 28, delete "(12)" and substitute "(14)"

AND

Page 3, line 31, delete "(13)" and substitute "(15)"

AND

Page 5, delete lines 25 through 29, and substitute the following:

"when the initial rated lumens of the lamp of the permanent outdoor fixture is greater than one thousand eight hundred lumens (1,800 lm);

(2) The permanent outdoor fixture's maximum illuminance does not"

AND

Page 5, line 35, delete "(4)" and substitute "(3)"

AND

Page 6, line 6, delete "(5)" and substitute "(4)"

AND

Page 6, delete lines 9 through 24, and substitute the following:

"(b)(1) Illuminated roadway signage installed or replaced after the effective date of this subchapter shall be illuminated from within or from above the roadway signage, except when illumination of the roadway signage from within or above is not possible, or would create excessive cost or maintenance issues.

(2) If roadway signage is illuminated with external fixtures:

(A) The external fixtures shall be directed and designed

so that a majority of the light falls upon the sign's surface;

(B) The lamp shall not be visible from the roadway; and

(C) The external fixtures do not create glare, light trespass, or excessive amounts of light pollution.

(c)(1) Commercial and advertising roadway signage and devices, including billboards and electronic message centers, installed or replaced after the effective date of this subchapter that are within one-half (1/2) mile of and visible from a highway system:

(A) Shall not prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;

(B) Shall not:

(i) Contain, incorporate, or use an interactive component or medium;

(ii) Interact with drivers or interface with cell phones or another electronic device; or

(iii) Incorporate, use, or emit a sound or noise or an electronic signal or emit smoke, scent, or odor.

(2) If a commercial and advertising roadway sign or device is illuminated with an external fixture:

(A) The external fixture shall be directed and designed so that a majority of the light falls upon the advertisement surface;

(B) The lamp shall not be visible from the roadway; and

(C) The external fixtures does not create glare, light trespass, or excessive amounts of light pollution.

(3) If a commercial and advertising roadway sign or device is an electronic message center:

(A) The commercial and advertising roadway sign or device shall:

(i) Be equipped with a sensor or other device that automatically determines the ambient light conditions and is programmed to automatically dim appropriately;

(ii) Not be of an intensity or brilliance that may cause glare or impair the vision of a driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

(iii) Not contain flashing, scrolling or traveling messages, or intermittent or full motion video;

(iv) Not change intensity or expose its message for less than four (4) seconds; and

(v) Not exceed three-tenths (0.3) footcandle over the ambient light as measured with a footcandle or illuminance meter that can measure to one one-hundredth of a footcandle.

(4) A measurement required under this subsection shall:

(A) Not be made within thirty (30) minutes after sunset or thirty (30) minutes before sunrise;

(B) Be taken from or as close as is practically possible to directly in front of or perpendicular from the center point of the face of the sign from a height of five feet (5') or approximately the same height as a driver's eye level;

(C) Be taken from or as close as is practically possible to a distance from the sign in feet according to the formula: square root of the area of the commercial and advertising roadway sign or device in square

feet times one hundred (100);

(D) Be taken with the sign displaying a solid white image or if monochrome a solid image of the sign's color; and

(E) Be taken with the sign on and compared to the ambient light with the sign off.

(5) Under this subsection, a sign is considered visible from the highway system if it or light emitting from it is plainly visible to a driver of a vehicle who is proceeding in a legally designated direction and traveling at the posted speed limit.

(d)(1) An electric utility shall not operate, maintain, install, or"

AND

Page 6, delete line 28, and substitute the following:

"fixture when the initial rated lumens of the lamp of the fixture is greater than one thousand"

AND

Page 6, line 36, delete "(d)(1)" and substitute "(e)(1)"

AND

Page 7, delete lines 7 through 10, and substitute the following:

"(f)(1) It is unlawful for a person or entity to commit light trespass.

(2) A complaint of light trespass against a person or entity shall be accepted only from the owner of the property or an agent of the property owner upon whose property the light trespass is occurring.

(3) As used in this section, "light trespass" means that:

(A) The initial rated lumens of a lamp is greater than one thousand eight hundred lumens (1,800 lm); and

(B) Either:

(i) The lamp is directly visible from the property owned by the complainant; or

(ii) The light from the lamp falling onto the property owned by the complainant is greater than fifty footcandles (50 fc) over the ambient light as measured with a footcandle or illuminance meter that can measure to one one-hundredth footcandle (0.01 fc).

(4) Before making a finding of light trespass an authority:

(A) May take into account the lawful purpose and history of the lamp; and

(B) Shall work with the parties, if possible, to find mutually agreeable voluntary mitigation.

(g) A new mercury vapor lamp shall not be installed in the state by a"

AND

Page 7 delete lines 12 through 14

AND

Page 8, delete lines 31 through 33, and substitute the following:

"(6)(A) The lighting is for:

(i) A public or private state correction facility, a detention facility, or a mental health facility; or

(ii) A municipality, public or charter school, college or university installed before the effective date of this subchapter."

AND

Page 9, delete lines 2 and 3, and substitute the following:

"becoming compliant with this chapter.

(B)(i) However, if a governing body determines that resources are available, lighting exempted under subdivision (7)(A) of this section shall be brought into compliance with § 8-14-104.

(ii) If a fixture exempted under subdivision (7)(A) of this section is to be replaced, the fixture shall be brought into compliance with § 8-14-104, unless the governing body determines that excessive cost or safety concerns prevent compliance.

(iii)(a) If a governing body makes a determination under subdivision (7)(B)(i) or (7)(B)(ii) of this section, the governing body shall submit an annual report to the Arkansas Pollution Control and Ecology Commission, outlining the current status of exempted fixtures and the efforts or plans that have been made to bring the exempted fixtures into compliance.

(b) The commission shall determine the time and manner for submission of the annual report required under subdivision (7)(B)(iii)(a) of this section.

(c) If the commission determines that a municipality, public or charter school, or college or university has brought into compliance with § 8-14-104 all fixtures that can be brought into compliance, the commission shall no longer require the municipality, public or charter school, or college or university to submit the annual report.

(C)(i) The agency director, an elected official, or a body"

AND

Page 9, delete line 11, and substitute the following:

"(D)(i) From time to time, at the discretion and in the manner determined by the commission, the Commission shall compile the reports required under subdivision (7)(B) of this section into one (1) comprehensive report.

(ii) The Commission shall:

(a) File the comprehensive report required under subdivision (7)(D)(i) of this section with the cochair of the Legislative Council; and

(b) Make each comprehensive report required under subdivision (7)(D)(i) of this section available to the general public in a manner determined by the commission.

(E) The waiver under subdivision (a)(7)(C) of this section may be appealed"

The Amendment was read _____
By: Representative S. Meeks
MGF/RJW - 02-17-2015 13:58:51
MGF096 _____ Chief Clerk