

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2665

4
5 By: Representative Ledbetter

For An Act To Be Entitled

6
7
8
9 AN ACT TO ENCOURAGE THE USE OF SHIELED outdoor
10 LIGHTING; AND FOR OTHER PURPOSES.

Subtitle

11
12
13 THE SHIELED outdoor LIGHTING ACT.

14
15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17
18 SECTION 1. Arkansas Code Title 8 is amended to add an additional
19 chapter to read as follows:

20 8-14-101. Title.

21 This chapter shall be known and may be cited as the "Shielded Outdoor
22 Lighting Act".

23
24 8-14-102. Purpose.

25 The purpose of this chapter is to conserve energy and preserve the
26 environment through the regulation of outdoor lighting fixtures.

27
28 8-14-103. Definitions.

29 As used in this chapter:

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

35 (2) "Shielded" means a fixture that is covered in a manner that light
36 rays emitted by the fixture, either directly from the lamp or indirectly from



1 the fixture, are projected below a horizontal plane running through the
2 lowest point on the fixture where light is emitted.

3
4 8-14-104. Shielding – Prohibitions - Exemptions.

5 (a) After January 1, 2006:

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

8 (B) The provisions of subdivision (a)(1) of this section
9 shall not apply to a municipally owned utility if the municipal employee
10 responsible for procurement determines that the cost of acquiring a shielded
11 outdoor lighting fixture will be more expensive than the alternative after
12 comparing:

13 (i) The cost of the fixtures; and

14 (ii) The projected energy cost of the operation of
15 the fixtures;

16 (2)(A) No state funds shall be used for the installation of a
17 shielded or unshielded mercury vapor outdoor lighting fixture.

18 (B) No electric public utility shall install a mercury
19 vapor outdoor lighting fixture; and

20 (3) At each electric public utility’s next proceeding for a
21 general change or modification in rates and charges, the Arkansas Public
22 Service Commission shall:

23 (A) Establish a schedule of rates and charges for the
24 provision of a shielded lighting service option to the utility’s customers;
25 and

26 (B) Require the public utility to provide its customers
27 with an annual bill insert that summarizes the availability of the shielded
28 lighting service and explains the benefits of shielded lighting.

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

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

32 (2) Outdoor lighting fixtures on advertisement signs on
33 interstate or federal primary highways;

34 (3)(A) Outdoor lighting fixtures existing and legally installed
35 before the effective date of this chapter.

36 (B) However, if an existing outdoor lighting fixture

1 exempted from the provisions of this chapter under subdivision (b)(3)(A) of
2 this section needs to be replaced, the acquisition of the replacement outdoor
3 lighting fixture shall be subject to the provisions of this chapter;

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

6 (5) Outdoor lighting fixtures that are necessary for worker
7 safety at farms, ranches, dairies, or feedlots or industrial, mining, or oil
8 and gas facilities.

9
10 8-14-105. Penalties.

11 Violations of this chapter are punishable by:

12 (1) A warning for a first offense; and

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

17
18 8-14-106. Enforcement.

19 This chapter may be enforced by:

20 (1) A town, city, or county of this state; and

21 (2) Any person in this state by seeking injunctive relief in a
22 court of competent jurisdiction.

23
24 8-14-107. Provisions supplemental.

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