

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  
4

*As Engrossed: H3/30/05*

# A Bill

HOUSE BILL 2665

5 By: Representative Ledbetter  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ENCOURAGE THE USE OF SHIELED outdoor  
10 LIGHTING; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 THE SHIELED outdoor LIGHTING ACT.  
13  
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.

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

18 (2) The Arkansas Department of Environmental Quality shall  
19 promulgate regulations prohibiting any person or entity from knowingly  
20 placing or disposing of lights containing mercury in a landfill after January  
21 1, 2008.

22 (3)(A) Each electric public utility shall offer a shielded  
23 lighting service option.

24 (B) Not later than January 1, 2006, each electric public  
25 utility shall file an application with the Arkansas Public Service Commission  
26 to establish a schedule of rates and charges for the provision of a shielded  
27 lighting service option to the utility's customers.

28 (C) The Arkansas Public Service Commission shall require  
29 each electric public utility to inform its customers of the availability of  
30 the shielded lighting service.

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

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

34 (2) Outdoor lighting fixtures on advertisement signs on  
35 interstate or federal primary highways;

36 (3)(A) Outdoor lighting fixtures existing and legally installed

1 before the effective date of this chapter.

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

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

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

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12 8-14-105. Penalties.

13 Violations of this chapter are punishable by:

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

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

19  
20 8-14-106. Enforcement.

21 This chapter may be enforced by a town, city, or county of this state  
22 by seeking injunctive relief in a 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.

29  
30 */s/ Ledbetter*