

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

# A Bill

HOUSE BILL 1923

5 By: Representative S. Meeks  
6

## For An Act To Be Entitled

8 AN ACT TO MODERNIZE OUTDOOR LIGHTING; TO CREATE THE  
9 OUTDOOR LIGHTING ACT; TO REPEAL THE SHIELDED OUTDOOR  
10 LIGHTING ACT; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13  
14 TO MODERNIZE OUTDOOR LIGHTING; TO CREATE  
15 THE OUTDOOR LIGHTING ACT; AND TO REPEAL  
16 THE SHIELDED OUTDOOR LIGHTING ACT.  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code Title 8 is amended to add an additional  
22 chapter to read as follows:

### CHAPTER 16 OUTDOOR LIGHTING ACT

#### 8-16-101. Title.

25  
26 This chapter shall be known and may be cited as the "Outdoor Lighting  
27 Act".  
28

#### 8-16-102. Purpose.

29  
30 The purpose of this chapter is to modernize outdoor lighting systems to  
31 promote safety, conserve energy, save tax dollars, and preserve the state's  
32 natural nighttime environment.  
33

#### 8-16-103. Definitions.

34  
35 As used in this chapter:

36 (1) "BUG Rating System" means the Backlight, Uplight, and Glare



1 rating assigned to a luminaire that evaluates the optical performance related  
 2 to light trespass, sky glow, and high angle brightness based on the standards  
 3 set by the Illuminating Engineering Society, as existing on January 1, 2021;

4 (2) "Lighting system" means a group of luminaires that are used  
 5 for:

6 (A) Street lighting that are on the same street or in the  
 7 same geographic area and are substantively identical; or

8 (B) Area lighting that are on the same property and are  
 9 substantively identical;

10 (3) "Light pollution" means general sky glow caused by the  
 11 scattering of artificial light in the atmosphere;

12 (4) "Light trespass" means excessive or unreasonable light  
 13 emitted by a luminaire that shines directly beyond the boundaries of the  
 14 property on which the luminaire is located; and

15 (5) "Public funds" means bond revenues or money appropriated or  
 16 allocated by the General Assembly, money raised through taxes or fees, and  
 17 county and municipal funds.

18  
 19 8-16-104. Lighting systems.

20 (a) A state agency, public corporation, county, or municipality shall  
 21 not use public funds to install, or cause to be installed, a new or  
 22 replacement lighting system unless:

23 (1) The illuminance of the surface does not materially exceed  
 24 what is adequate for that purpose under the guidelines established by the  
 25 Illuminating Engineering Society or the United States Department of  
 26 Transportation, as existing on January 1, 2021;

27 (2) The luminaires have a BUG Rating System Uplight rating of U0  
 28 or U1; and

29 (3) A higher color temperature is recommended by an independent  
 30 professional electrical engineer with training in lighting design who has  
 31 been hired by the state agency, public corporation, county, or municipality  
 32 and who has studied the new or replacement lighting system, the color-  
 33 corrected temperature of the luminaires is:

34 (A) Four thousand kelvin (4,000 K) or less for major  
 35 highways and thoroughfares; and

36 (B) Three thousand kelvin (3,000 K) or less for all other

1 areas; and

2 (4) Consideration has been given to minimizing glare, light  
 3 pollution, light trespass, and energy reduction.

4 (b) Unless different lighting is requested by the property owner, an  
 5 electric utility shall not install new or replacement residential area  
 6 lighting unless the luminaire has a:

7 (A) BUG Rating System Uplight rating of U0 or U1; and

8 (B) Color-corrected temperature of three thousand kelvin (3,000  
 9 K) or less.

10 (c) An entity that installs new or replacement lighting systems on  
 11 behalf of a state agency, public corporation, county, or municipality or  
 12 installs new or replacement lighting systems that will become the  
 13 responsibility of a state agency, public corporation, county, or municipality  
 14 shall comply with subsection (a) of this section.

15  
 16 SECTION 2. Arkansas Code Title 8, Chapter 14, is repealed.

17 CHAPTER 14 SHIELDED OUTDOOR LIGHTING ACT

18  
 19 ~~8-14-101. Title.~~

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

22  
 23 ~~8-14-102. Purpose.~~

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

26  
 27 ~~8-14-103. Definitions.~~

28 ~~As used in this chapter:~~

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

34 ~~(2) "Shielded" means a fixture that is covered in a manner that~~  
 35 ~~light rays emitted by the fixture, either directly from the lamp or~~  
 36 ~~indirectly from the fixture, are projected below a horizontal plane running~~

1 through the lowest point on the fixture where light is emitted.

3 ~~8-14-104. Shielding Prohibitions Exemptions.~~

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

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

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

13 ~~(ii) The projected energy cost of the operation of~~  
 14 ~~the fixtures.~~

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

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

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

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

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

32 ~~(C) The commission shall require each electric public~~  
 33 ~~utility to inform its customers of the availability of the shielded lighting~~  
 34 ~~service.~~

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

36 ~~(1) Incandescent outdoor lighting fixtures of one hundred fifty~~

~~watts (150 W) or less or other light sources of seventy watts (70 W) or less;~~

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

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

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

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

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

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

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

~~(2) A correctional facility;~~

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

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

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

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

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

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

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

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

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

~~This chapter may be enforced by a town, city, or county of this state by seeking injunctive relief in a court of competent jurisdiction.~~

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

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

5  
6           SECTION 3. EFFECTIVE DATE. This act shall be effective on and after  
7 January 1, 2023.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36