

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

A Bill

SENATE BILL 263

5 By: Senator K. Hammer
6 By: Representative Furman
7

For An Act To Be Entitled

9 AN ACT TO REGULATE THE ATTACHMENT OF SIGNS TO UTILITY
10 POLES; AND FOR OTHER PURPOSES.
11

Subtitle

14 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:

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

29 (2) ~~However, this~~ The prohibition described in subdivision
30 (a)(1) of this section does not apply to a warning, safety, or identification
31 sign attached to a ~~public utility pole by a utility company or cooperative~~
32 provider of utility, cable, telecommunication, or broadband services or to an
33 attachment authorized under § 14-54-701(a)(3) or § 23-4-1003(b)(3).
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35 SECTION 2. Arkansas Code § 14-54-701(a), concerning the authority of
36 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 authorize a member of the public
21 to install an attachment to a pole owned by a municipality.

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

24 23-4-1002. Nondiscriminatory access for pole attachments.

25 A public utility shall provide nondiscriminatory access for a pole
26 attachment to:

27 (1) An electric utility;

28 (2) A telecommunications provider;

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

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

31 (5) A municipality.

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33 SECTION 4. Arkansas Code § 23-4-1003(b), concerning the regulation of
34 pole attachments by the Arkansas Public Service Commission, is amended to add
35 an additional subdivision to read as follows:

36 (3)(A) The commission may allow a municipality to attach the

1 flag of the United States, the state flag, or a flag of a municipality as a
2 temporary pole attachment to a utility pole.

3 (B) In exercising the authority described in subdivision
4 (b)(3)(A) of this section, the commission shall consider:

5 (i) Restrictions concerning the size of the pole
6 attachment, including height and length;

7 (ii) The type of pole attachment;

8 (iii) Roadway visibility;

9 (iv) Dates when flag placement may be utilized; and

10 (v) Applicable safety standards.

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