

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S2/23/21 S3/3/21

A Bill

SENATE BILL 263

By: Senator K. Hammer
By: Representative Furman

For An Act To Be Entitled

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

Subtitle

TO REGULATE THE ATTACHMENT OF SIGNS TO
UTILITY POLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-67-103(a), concerning the prohibition on attaching signs to utility poles or living plants, is amended to read as follows:

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

(2) ~~However, this~~ The prohibition described in subdivision (a)(1) of this section does not apply to a warning, safety, or identification sign attached to a ~~public utility pole by a utility company or cooperative provider of utility, cable, telecommunication, or broadband services~~ or to an attachment authorized under § 14-54-701(a)(3).

SECTION 2. Arkansas Code § 14-54-701(a), concerning the authority of municipalities to operate utilities, is amended to add an additional



subdivision to read as follows:

(3) A municipality may:

(A) Allow the installation of attachments to poles owned by the municipality; and

(B)(i) Adopt an ordinance that allows the temporary attachment of the flag of the United States, the state flag, or a flag of a municipality to a pole owned by the municipality.

(ii) The ordinance under subdivision (a)(3)(B)(i) of this section:

(a) Shall include:

(1) Restrictions concerning the size of the pole attachment, including height and length;

(2) The type of pole attachment;

(3) Roadway visibility;

(4) Dates when flag placement may be utilized; and

(5) Other provisions that may be necessary to protect an employee of a municipality who may have to physically climb a pole owned by the municipality; and

(b) Shall not:

(1) Allow any attachment to a pole in a state highway right-of-way; or

(2) Authorize a member of the public to install an attachment to a pole owned by a municipality.

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

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

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

(1) An electric utility;

(2) A telecommunications provider;

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

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

(5) A municipality.

/s/K. Hammer

APPROVED: 3/17/21