

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1795

By: Representative S. Meeks

## For An Act To Be Entitled

AN ACT TO REPEAL THE SHIELDED OUTDOOR LIGHTING ACT;  
AND FOR OTHER PURPOSES.

## Subtitle

TO REPEAL THE SHIELDED OUTDOOR LIGHTING  
ACT.

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

SECTION 1. Arkansas Code Title 8, Chapter 14, is repealed.

~~CHAPTER 14 SHIELDED OUTDOOR LIGHTING ACT~~

~~8-14-101. Title.~~

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

~~8-14-102. Purpose.~~

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

~~8-14-103. Definitions.~~

~~As used in this chapter:~~

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



~~(2) "Shielded" means a fixture that is covered in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.~~

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

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

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

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

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

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

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

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

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

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

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

service.

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

~~(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.~~

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