

Shielded Outdoor Lighting

The purpose of this Act is to conserve energy and preserve the environment through the regulation of outdoor lighting fixtures. The Act directs that no public funds shall be used to install an outdoor lighting fixture unless it is shielded and no state funds shall be used for the installation of a shielded or unshielded mercury vapor outdoor lighting fixture. It requires the state department of environmental quality to promulgate regulations prohibiting any person or entity from knowingly placing or disposing of lights containing mercury in a landfill after January 1, 2008. It requires electric public utilities in the state to offer a shielded lighting service option.

Submitted as:

Arkansas

Act 1963 (2005)

Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Encourage the Use of
2 Shielded Outdoor Lighting.”
3

4 Section 2. [*Purpose.*] The purpose of this Act is to conserve energy and preserve the
5 environment through the regulation of outdoor lighting fixtures.
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7 Section 3. [*Definitions.*] As used in this Act:

8 (a) “Outdoor lighting fixture” means an automatically-controlled, outdoor artificial
9 illuminating device, whether permanent or portable, used for illumination or advertisement,
10 including searchlights, spotlights, and floodlights, whether for architectural lighting, parking lot
11 lighting, landscape lighting, billboards, or street lighting; and

12 (b) “Shielded” means a fixture that is covered in a manner that light rays emitted by the
13 fixture, either directly from the lamp or indirectly from the fixture, are projected below a
14 horizontal plane running through the lowest point on the fixture where light is emitted.
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16 Section 4. [*Shielding: Prohibitions, Exemptions.*]

17 (a) After [January 1, 2006]:

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

20 (B) The provisions of subdivision (a)(1) of this section shall not apply to
21 a municipally owned utility if the municipal employee responsible for procurement determines
22 that the cost of acquiring a shielded outdoor lighting fixture will be more expensive than the
23 alternative after comparing:

24 (i) The cost of the fixtures; and

25 (ii) The projected energy cost of the operation of the fixtures;

26 (2) (C) No state funds shall be used for the installation of a shield or
27 unshielded mercury vapor outdoor lighting fixture.

28 (2) The [Department of Environmental Quality] shall promulgate regulations
29 prohibiting any person or entity from knowingly placing or disposing of lights containing
30 mercury in a landfill after [January 1, 2008].

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

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

36 (C) The [Public Service Commission] shall require each electric public
37 utility to inform its customers of the availability of the shielded lighting service.

38 (b) This Act does not apply to acquisitions of:

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

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

43 (3) (A) Outdoor lighting fixtures existing and legally installed before the
44 effective date of this Act.

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

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

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

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54 Section 5. [*Penalties.*] Violations of this Act are punishable by a warning for a first
55 offense and a fine of [twenty-five dollars] minus the replacement cost for each offending outdoor
56 lighting fixture for a second or subsequent offense or for an offense that continues for [thirty
57 calendar days] from the date of the warning.

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59 Section 6. [*Enforcement.*] This Act may be enforced by a town, city, or county of this
60 state by seeking injunctive relief in a court of competent jurisdiction.

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62 Section 7. [*Provisions Supplemental.*] The provisions of this Act are cumulative and
63 supplemental and shall not apply within a town, city, or county of this state that by ordinance has
64 adopted provisions restricting light pollution that are equal to or more stringent than the
65 provisions of this Act.

66

67 Section 8. [*Severability.*] [Insert severability clause.]

68

69 Section 9. [*Repealer.*] [Insert repealer clause.]

70

71 Section 10. [*Effective Date.*] [Insert effective date.]