

SENATE BILL NO. 427
INTRODUCED BY B. HAWKS

ABILL FOR AN ACT ENTITLED: "AN ACT IMPOSING RESTRICTIONS ON OUTDOOR LIGHTING; REQUIRING OUTDOOR LIGHT FIXTURES TO BE FULLY OR PARTIALLY SHIELDED; PROVIDING DEFINITIONS; PROHIBITING USE OF MERCURY VAPOR OUTDOOR LIGHT FIXTURES; AND PROVIDING EXEMPTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Lighting restrictions -- definitions -- exemptions -- mercury vapor lighting prohibited. (1) For the purposes of this section, the following definitions apply:

(a) "Fully shielded" means that fixtures are shielded 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.

(b) "Outdoor light fixture" means permanent or portable outdoor artificial illuminating devices, lamps, and other devices used for illumination or advertisement. The devices include but are not limited to searchlights, spotlights, or floodlights for buildings, structures, and recreational areas, parking lot lighting, landscape lighting, lighting for billboards and other signs, and street lighting.

(c) "Partially shielded" means that fixtures are shielded in a manner that the bottom edge of the shield is below the plane of the center line of the lamp, reducing light above the horizontal plane.

(2) Except as provided in subsections (3) through (5) and subject to subsection (6):

(a) all outdoor light fixtures must be fully shielded or partially shielded;

(b) mercury vapor outdoor light fixtures may not be installed after [the effective date of this act] and replacement equipment, other than bulbs, for mercury vapor light fixtures may not be sold after January 1, 2008; and

(c) mercury vapor outdoor light fixtures may not be used after January 1, 2011.

(3) The provisions of subsection (2)(a) do not apply to:

(a) incandescent fixtures of 150 watts or less and other sources of 70 watts or less;

(b) street light fixtures if the shielding is not available from the manufacturer;

(c) emergency lighting that is used by law enforcement, firefighters, medical personnel, and other personnel responding to an emergency and that is in operation as long as the emergency exists;

(d) outdoor lighting used for programs, projects, or improvements in a city or town relating to the construction, reconstruction, improvement, or maintenance of a street or highway; and

(e) outdoor lighting used for construction or renovation of municipal buildings, structures, and facilities.

(4) The provisions of subsection (2)(c) do not apply to outdoor light systems erected before 1950.

(5) The provisions of subsection (2) do not apply:

(a) to navigational lighting systems used by airports;

(b) to any outdoor lighting that is extinguished between midnight and sunrise by an automatic shutoff device; or

(c) within a county, city, or town that, by ordinance or resolution, has adopted restrictions on lighting equal to or more stringent than the provisions of this section.

(6) A county, city, or town shall comply with the provisions of subsection (2)(a) upon replacement of outdoor light fixtures maintained by the county, city, or town.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 70, chapter 16, and the provisions of Title 70, chapter 16, apply to [section 1].

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