

**Enrolled**  
**House Bill 3367**

Sponsored by Representative GREENLICK; Representatives BAILEY, KOTEK, MAURER, RILEY, SHIELDS

CHAPTER .....

AN ACT

Relating to lighting fixtures; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** (1) As used in this section:

(a) **“Outdoor lighting fixture”** means an automatically controlled searchlight, spotlight, floodlight or other device used for architectural lighting, lighting streets or parking lots, landscape lighting, billboards or other artificial illumination or advertising purposes.

(b) **“Public utility”** has the meaning given that term in ORS 757.005.

(c) **“Shielded”** means that a light fixture is designed to ensure that direct or indirect light rays emitted from the fixture are projected below a horizontal plane running through the lowest light-emitting point of the fixture.

(2) A public utility supplying electricity that provides a customer with outdoor lighting fixtures shall make the option of using shielded outdoor lighting fixtures available to the customer. The utility shall notify a customer to whom the utility provides outdoor lighting fixtures that a shielded outdoor lighting fixture option is available through the utility. The utility shall file an application with the Public Utility Commission to establish rates and charges for providing the shielded outdoor lighting fixture option.

(3) Subsection (2) of this section does not require a utility to reimburse a customer for the cost of a shielded outdoor lighting fixture installed before the date the utility sends a notice to the customer under this section, or to provide an option for a customer to acquire:

(a) Incandescent outdoor lighting fixtures of not more than 150 watts;

(b) Light sources of not more than 70 watts that are not incandescent lighting fixtures;

(c) Outdoor lighting fixtures on advertising signs on interstate or federal primary highways;

(d) Navigational lighting systems at airports or other lighting necessary for aircraft safety; or

(e) Outdoor lighting fixtures necessary for worker safety at farms, ranches, dairies or feedlots or at industrial, mining, oil or gas facilities.

**SECTION 2.** (1) A public utility that is subject to section 1 of this 2009 Act shall file an initial rate and charge application as required by section 1 (2) of this 2009 Act on or before January 1, 2010.

(2) A utility that is subject to section 1 of this 2009 Act shall give a customer notice of the shielded outdoor lighting fixture option on or before the later of the date the utility first

begins providing outdoor lighting fixtures to the customer or 60 days after the rate or charge takes effect.

**SECTION 3.** (1) As used in this section:

(a) "Mercury vapor lighting fixture" means an artificial illumination device that produces a high-intensity discharge of light by passing electricity through mercury vapor.

(b) "Outdoor lighting fixture" has the meaning given that term in section 1 of this 2009 Act.

(2) A person may not sell an outdoor lighting fixture that is a mercury vapor lighting fixture.

(3) A person may not install a mercury vapor lighting fixture outdoors. This subsection does not apply to the reinstallation of an existing fixture after servicing or repair.

(4) State moneys may not be expended for the installation or reinstallation of outdoor lighting fixtures that are mercury vapor lighting fixtures.

**SECTION 4.** Section 3 of this 2009 Act becomes operative 60 days after the effective date of this 2009 Act.

**SECTION 5.** Section 6 of this 2009 Act is added to and made a part of ORS 455.560 to 455.580.

**SECTION 6.** (1) Public buildings constructed on or after January 1, 2010, or on which outdoor lighting fixtures attached to the building are replaced on or after January 1, 2010, shall have installed to the greatest practicable extent shielded lighting fixtures for outdoor use.

(2) Notwithstanding ORS 455.020 and ORS 455.040, a municipality may enact an ordinance or resolution that meets or exceeds the requirements established under subsection (1) of this section.

(3) If a municipality determines that the use of shielded lighting is not practical for a public building because of the historical character of the building or for other reasons, the municipality may waive the requirements for the use of shielded lighting established under this section.

(4) As used in this section, "shielded lighting" means a lighting fixture that has a covering or is designed to ensure that direct or indirect light rays emitted from the fixture are projected below a horizontal plane running through the lowest light-emitting point of the fixture.

**SECTION 7.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

---

**Passed by House May 1, 2009**

.....  
Chief Clerk of House

.....  
Speaker of House

**Passed by Senate June 4, 2009**

.....  
President of Senate

**Received by Governor:**

.....M,....., 2009

**Approved:**

.....M,....., 2009

.....  
Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

.....  
Secretary of State