

# House Bill 3202

Sponsored by Representative HUDSON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires most outdoor lighting fixtures on public lands or constructed for projects receiving state funds to use certain shielded lighting fixtures. Requires Department of Transportation to use minimal amounts of lighting on highways. Requires state agencies to remove nonshielded outdoor lighting fixtures by January 1, 2034.

## A BILL FOR AN ACT

1  
2 Relating to night sky protection; creating new provisions; and amending ORS 455.565, 455.570 and  
3 455.573.

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

5 **SECTION 1.** ORS 455.565 is amended to read:

6 455.565. It is the purpose of ORS 455.560 to 455.580 to promote, encourage and require measures  
7 to conserve energy in public buildings **and to reduce the inappropriate or excessive use of out-**  
8 **door artificial light that may interfere with human health, wildlife, climate or dark sky**  
9 **tourism.**

10 **SECTION 2.** ORS 455.573 is amended to read:

11 455.573. (1) *[Public buildings constructed on or after January 1, 2010, or on which outdoor lighting*  
12 *fixtures attached to the building are replaced on or after January 1, 2010, shall have installed to the*  
13 *greatest practicable extent]* **Subject to standards of the Department of Consumer and Business**  
14 **Services under ORS 455.570, all outdoor lighting fixtures on public lands or that have been**  
15 **constructed with the use of state funds must:**

16 (a) Use shielded lighting fixtures *[for outdoor use.];*

17 (b) **Emit only as much light as is necessary to achieve intended purposes; and**

18 (c) **Have a color temperature of 3,000 Kelvin or lower.**

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

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

24 *[(4) (3) As used in this section[,];*

25 (a) **“Outdoor lighting fixture” means an outdoor artificial illuminating device, whether**  
26 **permanent or portable, including, but not limited to, artificial illuminating devices installed**  
27 **on a building or structure and used for illumination or advertisement, including searchlights,**  
28 **spotlights or floodlights, used for architectural lighting, parking lot lighting, landscape**  
29 **lighting, billboards or street lighting.**

30 (b) **“Shielded lighting fixture” means a lighting fixture that has a covering or is designed to**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 ensure that direct or indirect light rays emitted from the fixture are projected below a horizontal  
 2 plane running through the lowest light-emitting point of the fixture.

3 **SECTION 3.** ORS 455.570 is amended to read:

4 455.570. (1) After consultation with the Building Codes Structures Board or with the Con-  
 5 struction Industry Energy Board, the Director of the Department of Consumer and Business Ser-  
 6 vices, as provided in this chapter, shall establish [*maximum lighting*] standards for **lighting for**  
 7 public buildings [*constructed on or after July 1, 1978*] **and for outdoor lighting fixtures regulated**  
 8 **under ORS 455.573 (2) and section 5 of this 2023 Act.** Such standards may distinguish between  
 9 type of design, the uses to which buildings are put, location, age or any other applicable classifica-  
 10 tion.

11 (2) Such standards shall allow for:

12 (a) Differences in lighting levels within public buildings for special areas and uses, including but  
 13 not limited to hospital, drafting room, and advertising display, and for other areas and activities  
 14 requiring special illumination.

15 (b) The interaction between lighting and heating systems.

16 (c) Occupational safety and health standards.

17 (3) The director may [*by rule or order*] exempt from the [*maximum lighting standards, new public*  
 18 *buildings or portions thereof*] **standards under this section, new buildings or lighting fixtures**  
 19 that:

20 (a) Are of insufficient size to warrant [*maximum lighting standard*] regulations;

21 (b) Should be allowed a specific period of time before compliance with [*maximum lighting*] stan-  
 22 dards is required;

23 (c) Are difficult or impractical to regulate based upon location;

24 (d) **Regulate indoor lighting for public buildings that** are not open to the public during  
 25 normal business hours;

26 (e) Are impractical to regulate, based upon unique design; or

27 (f) Would not be benefited by regulation, based upon the insignificant amount of energy possible  
 28 to conserve **or insignificant amount of outdoor light to shield.**

29 (4) Any person subject to ORS 455.560 to 455.580 may apply to the director for an exemption  
 30 under this section.

31 **SECTION 4.** Section 5 of this 2023 Act is added to and made a part of ORS chapter 366.

32 **SECTION 5.** (1) The Department of Transportation shall comply with ORS 455.573 (1) in  
 33 the construction of outdoor lighting fixtures along highways or on property owned or main-  
 34 tained by the department.

35 (2) The department shall, to the extent practicable and safe, replace outdoor lighting  
 36 fixtures on highways and on property owned or maintained by the department with the use  
 37 of reflective markings, lines, materials or signs.

38 **SECTION 6.** Section 5 of this 2023 Act and the amendments to ORS 455.573 by section 2  
 39 of this 2023 Act apply to lighting that is installed on or after the effective date of this 2023  
 40 Act.

41 **SECTION 7.** Except as exempted by the Department of Consumer and Business Services  
 42 by rule under ORS 455.570, on or before January 1, 2034, state agencies shall remove each  
 43 outdoor lighting fixture that is on state-owned real property or is under the control of the  
 44 state agency if the fixture is not a shielded lighting fixture as defined in ORS 455.573.