
A BILL FOR AN ACT

RELATING TO OUTDOOR ADVERTISING.

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

1 SECTION 1. The purpose of this Act is to permit certain
2 outdoor signs that will not, by their size, location,
3 construction, or manner of display, endanger the safety of
4 individuals, confuse, mislead, or obstruct the vision necessary
5 for traffic safety, or otherwise endanger the public health,
6 safety, and welfare. In addition to these public safety
7 concerns, the legislature also wishes to address the following
8 concerns by this Act:

- 9 (1) The preservation of the residential character of
10 residential neighborhoods;
- 11 (2) The preservation of order and cleanliness;
- 12 (3) The avoidance of the appearance of clutter;
- 13 (4) The protection of property values;
- 14 (5) The avoidance of litter and the growth of weeds around
15 signs;
- 16 (6) The reduction in traffic hazards caused by
17 distractions to motorists and impairment of sight
18 lines;



- 1 (7) The assurance that the state remains an attractive
- 2 place to live, work, and visit;
- 3 (8) The reduction of administrative burdens; and
- 4 (9) The protection of the health, safety, welfare, morals,
- 5 convenience, and comfort of the public.

6 SECTION 2. Section 445-112, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§445-112 Where and when permitted.** No person shall
9 erect, maintain, or use a billboard or display any outdoor
10 advertising device, except as provided in this section:

- 11 (1) The display of official notices and signs, posted by
- 12 order of any court or public office, or posted by any
- 13 public officer in the performance of a public duty, or
- 14 posted by any person required to do so by any law or
- 15 rule having the force of law;
- 16 (2) Any outdoor advertising device announcing a meeting or
- 17 series of meetings is not prohibited by this section
- 18 if displayed on the premises where the meeting or
- 19 series of meetings will be or is being held. Meeting,
- 20 as used in this section, includes all meetings
- 21 regardless of whether open to the public or conducted
- 22 for profit and includes but is not limited to sports

1 events, conventions, fairs, rallies, plays, lectures,
2 concerts, motion pictures, dances, and religious
3 services;

4 (3) Any outdoor advertising device indicating that the
5 building or premises on which it is displayed is the
6 residence, office, or place of business, commercial or
7 otherwise, of any individual, partnership, joint
8 venture, association, club, or corporation, and
9 stating the nature of the business;

10 (4) Any outdoor advertising device that advertises
11 property or services that may be bought, rented, sold,
12 or otherwise traded in on the premises or in the
13 building on which the outdoor advertising device is
14 displayed;

15 (5) The offering for sale of merchandise bearing
16 incidental advertising, including books, magazines,
17 and newspapers, in any store, newsstand, vending
18 machine, rack, or other place where such merchandise
19 is regularly sold;

20 (6) Any outdoor advertising device offering any land,
21 building, or part of a building for sale or rent, if



- 1 displayed on the property so offered or on the
2 building of which part is so offered;
- 3 (7) Any outdoor advertising device carried by persons or
4 placed upon vehicles used for the transportation of
5 persons or goods;
- 6 (8) Any outdoor advertising device warning the public of
7 dangerous conditions that they may encounter in nearby
8 sections of streets, roads, paths, public places,
9 power lines, gas and water mains, or other public
10 utilities;
- 11 (9) Signs serving no commercial purpose that indicate
12 places of natural beauty, or of historical or cultural
13 interest and that are made according to designs
14 approved by the department of business, economic
15 development, and tourism;
- 16 (10) Any outdoor advertising device or billboard erected,
17 placed, or maintained upon a state office building, if
18 erected, placed, or maintained by authority of a state
19 agency, department, or officer for the sole purpose of
20 announcing cultural or educational events within the
21 State, and if the design and location thereof has been



1 approved by the department of business, economic
2 development, and tourism;

3 (11) Signs ~~{urging voters to vote for or against any person~~
4 ~~or issue, may be erected, maintained, and used, except~~
5 ~~where contrary to or prohibited by law;}~~ expressing a
6 viewpoint on any issue or on any candidate for
7 election may be erected and maintained on residential
8 property; provided that the signs shall meet the
9 following requirements:

10 (A) Each sign displayed shall be no larger than four
11 feet by two feet and the total area of all signs
12 for each residential property shall not exceed
13 sixteen square feet;

14 (B) The signs shall not offer for sale, promote, or
15 advertise any business enterprise or any
16 commercial product, service, or entertainment;

17 (C) No sign may be posted when a resident or owner of
18 the property has received any payment, fee, or
19 other consideration of any sort for the display
20 of the sign;



1 (D) No billboard, sign, or outdoor advertising device
2 on residential property may be illuminated by any
3 form of artificial lighting; and

4 (E) In the case of any sign expressing a viewpoint on
5 any candidate for election or any ballot issue,
6 no sign shall be erected on residential property
7 more than forty-five days before the day of the
8 election for which the candidate has been
9 nominated or by which the ballot issue is to be
10 decided, and no sign shall be maintained on
11 residential property more than ten days after the
12 day of the election for which the candidate was
13 nominated or by which the ballot issue was to be
14 decided.

15 For the purposes of this paragraph, "residential
16 property" refers to separate residential properties
17 that have separate tax map keys, except that, in a
18 multi-family dwelling structure with separate
19 residential units, each separate unit shall be
20 entitled to display signs meeting the requirements
21 listed in this paragraph; provided that the signs are
22 located in an outdoor area or affixed to the building



1 in a manner that links the signs to the particular
2 residential unit whose residents express the
3 viewpoint;

4 (12) Signs stating that a residence that is offered for
5 sale, lease, or rent is open for inspection at the
6 actual time the sign is displayed and showing the
7 route to the residence; provided that the sign
8 contains no words or designs other than the words
9 "Open House", the address of the residence, the name
10 of the person or agency responsible for the sale, and
11 an arrow or other directional symbol and is removed
12 during such time as the residence is not open for
13 inspection;

14 (13) The erection, maintenance, and use of billboards if
15 the billboard is used solely for outdoor advertising
16 devices not prohibited by this section;

17 (14) The continued display and maintenance of outdoor
18 advertising devices actually displayed on July 8,
19 1965, in accordance with all laws and ordinances
20 immediately theretofore in effect;

21 (15) The continued maintenance of any billboard actually
22 maintained on July 8, 1965, and the display thereon of



1 the same or new advertising devices, all in accordance
2 with all laws and ordinances in effect immediately
3 prior to July 9, 1965;

4 (16) Any outdoor advertising device displayed with the
5 authorization of the University of Hawaii on any
6 scoreboard of any stadium owned by the university. An
7 outdoor advertising device displayed under this
8 paragraph shall be on the front of the scoreboard and
9 face the interior of the stadium;

10 (17) Any temporary outdoor advertising device attached to
11 or supported by the structure of any stadium owned by
12 the University of Hawaii, located within and facing
13 the interior of the stadium, and authorized to be
14 displayed by the university. For the purpose of this
15 paragraph, "temporary" means displayed for a short
16 period before the official start of organized athletic
17 competition, during the organized athletic
18 competition, and for a short period after the official
19 end of the organized athletic competition; and

20 (18) Any outdoor advertising device displayed with the
21 authorization of the stadium authority on any
22 scoreboard of any stadium operated by the stadium



1 authority. An outdoor advertising device displayed
2 under this paragraph shall be on the front of the
3 scoreboard and face the interior of the stadium."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2096.



HB2705

HD1

Report Title:

Outdoor Advertising; Residential Property

Description:

Establishes conditions under which signs expressing a viewpoint on any issue or on any candidate for election may be displayed on residential property. (HB2705 HD1)

HB2705 HD1 HMS 2006-2511

