
A BILL FOR AN ACT

RELATING TO ADVERTISING.

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

1 SECTION 1. The legislature finds that vehicles used
2 primarily for advertising pose a significant threat to the
3 State's compelling interests in maintaining traffic safety,
4 limiting traffic congestion and vehicle emissions, and
5 protecting the outstanding natural beauty of Hawaii's islands.

6 Advertising vehicles are designed to attract the attention
7 of drivers and pedestrians and thus, by their very nature, they
8 increase the risks of traffic accidents by distracting the
9 attention of drivers and pedestrians. These vehicles also add
10 to the congestion of Hawaii's roads, thus increasing the
11 possibility of accidents, and increase the emissions that
12 degrade the quality of air.

13 The world-renowned aesthetic beauty of Hawaii is important
14 to the health and happiness of Hawaii's residents and crucial to
15 Hawaii's economy because it attracts visitors and serves as a
16 foundation of the visitor industry. By their very nature,
17 vehicles used primarily for advertising have the effect of
18 obscuring and detracting from Hawaii's valuable natural scenery.



1 In 1978, the people of Hawaii emphasized the importance of
2 protecting Hawaii's natural beauty by adding article XI, section
3 1, to the Constitution of the State of Hawaii, which states:
4 "For the benefit of present and future generations, the State
5 and its political subdivisions shall conserve and protect
6 Hawaii's natural beauty and all natural resources...." A
7 prohibition of vehicular advertising carries out the mandate
8 laid out in article XI, section 1 of the state constitution.

9 The purpose of this Act is to advance the State's
10 compelling interests in traffic safety and aesthetics by
11 prohibiting the operation or parking of vehicles engaged in
12 commercial advertising.

13 SECTION 2. Chapter 445, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§445-A Vehicular advertising prohibited; penalty. (a)
17 It is unlawful for any person, for consideration or economic
18 benefit of any sort, to operate, cause to be operated, or park
19 an advertising vehicle or trailer displaying an advertisement on
20 any public street, roadway, or other public place, or upon any
21 private place that can be seen from a public street, roadway, or
22 other public place.



1 (b) This section shall not apply to any vehicle or trailer
2 that displays an advertisement or business notice related to the
3 business for which the vehicle is used, so long as the vehicle
4 or trailer is engaged in the usual business or regular work of
5 the owner or operator and is not being used merely, mainly, or
6 primarily to display advertisements or business notices.

7 (c) Every day of continued violation of this section shall
8 constitute a separate offense.

9 (d) Any person convicted of violating this section shall
10 be fined not more than \$50.

11 (e) As used in this section:

12 "Advertisement" means any sign, insignia, symbol, picture,
13 banner, depiction, display, graphics, light, model, writing, or
14 lettering:

15 (1) Relating to a name, trademark, or trade insignia of a
16 company engaged in the marketing of merchandise,
17 products, commodities, things, services, or
18 entertainment;

19 (2) Relating to a product, commodity, or thing
20 manufactured or distributed by a business enterprise
21 of any sort; or



1 (3) Relating to a service performed or an entertainment
2 provided by a business enterprise of any sort.

3 "Advertising vehicle" means any wheeled, waterborne,
4 aerial, or otherwise movable conveyance, whether operable or
5 not, designed or used for the purpose of displaying
6 advertisements.

7 "Consideration" means:

8 (1) Money;

9 (2) Any thing of value;

10 (3) Any economic benefit conferred or received; or

11 (4) Any combination of paragraphs (1) through (3).

12 "Trailer" means a vehicle or conveyance with or without
13 motive power designed to be pulled or propelled by a vehicle or
14 other form of power."

15 SECTION 3. Section 445-112, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§445-112 Where and when permitted.** No person shall
18 erect, maintain, or use a billboard or display any outdoor
19 advertising device, except as provided in this section:

20 (1) The display of official notices and signs, posted by
21 order of any court or public office, or posted by any
22 public officer in the performance of a public duty, or



1 posted by any person required to do so by any law or
2 rule having the force of law;

3 (2) Any outdoor advertising device announcing a meeting or
4 series of meetings is not prohibited by this section
5 if displayed on the premises where the meeting or
6 series of meetings will be or is being held. Meeting,
7 as used in this section, includes all meetings
8 regardless of whether open to the public or conducted
9 for profit and includes but is not limited to sports
10 events, conventions, fairs, rallies, plays, lectures,
11 concerts, motion pictures, dances, and religious
12 services;

13 (3) Any outdoor advertising device indicating that the
14 building or premises on which it is displayed is the
15 residence, office, or place of business, commercial or
16 otherwise, of any individual, partnership, joint
17 venture, association, club, or corporation, and
18 stating the nature of the business;

19 (4) Any outdoor advertising device that advertises
20 property or services that may be bought, rented, sold,
21 or otherwise traded in on the premises or in the



- 1 building on which the outdoor advertising device is
2 displayed;
- 3 (5) The offering for sale of merchandise bearing
4 incidental advertising, including books, magazines,
5 and newspapers, in any store, newsstand, vending
6 machine, rack, or other place where such merchandise
7 is regularly sold;
- 8 (6) Any outdoor advertising device offering any land,
9 building, or part of a building for sale or rent, if
10 displayed on the property so offered or on the
11 building [~~of which part is~~] so offered;
- 12 (7) Any outdoor advertising device carried by persons or
13 placed upon vehicles used for the transportation of
14 persons or goods[+], except as provided under section
15 445-A, relating to vehicular advertising for
16 consideration;
- 17 (8) Any outdoor advertising device warning the public of
18 dangerous conditions that they may encounter in nearby
19 sections of streets, roads, paths, public places,
20 power lines, gas and water mains, or other public
21 utilities;



- 1 (9) Signs serving no commercial purpose that indicate
2 places of natural beauty, or of historical or cultural
3 interest and that are made according to designs
4 approved by the department of business, economic
5 development, and tourism;
- 6 (10) Any outdoor advertising device or billboard erected,
7 placed, or maintained upon a state office building, if
8 erected, placed, or maintained by authority of a state
9 agency, department, or officer for the sole purpose of
10 announcing cultural or educational events within the
11 State, and if the design and location thereof has been
12 approved by the department of business, economic
13 development, and tourism;
- 14 (11) Signs urging voters to vote for or against any person
15 or issue, may be erected, maintained, and used, except
16 where contrary to or prohibited by law;
- 17 (12) Signs stating that a residence that is offered for
18 sale, lease, or rent is open for inspection at the
19 actual time the sign is displayed and showing the
20 route to the residence; provided that the sign
21 contains no words or designs other than the words
22 "Open House", the address of the residence, the name



1 of the person or agency responsible for the sale, and
2 an arrow or other directional symbol and is removed
3 during such time as the residence is not open for
4 inspection;

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

8 (14) The continued display and maintenance of outdoor
9 advertising devices actually displayed on July 8,
10 1965, in accordance with all laws and ordinances
11 immediately theretofore in effect;

12 (15) The continued maintenance of any billboard actually
13 maintained on July 8, 1965, and the display thereon of
14 the same or new advertising devices, all in accordance
15 with all laws and ordinances in effect immediately
16 prior to July 9, 1965;

17 (16) Any outdoor advertising device displayed with the
18 authorization of the University of Hawaii on any
19 scoreboard of any stadium owned by the university. An
20 outdoor advertising device displayed under this
21 paragraph shall be on the front of the scoreboard and
22 face the interior of the stadium;



1 (17) Any temporary outdoor advertising device attached to
2 or supported by the structure of any stadium owned by
3 the University of Hawaii, located within and facing
4 the interior of the stadium, and authorized to be
5 displayed by the university. For the purpose of this
6 paragraph, "temporary" means displayed for a short
7 period before the official start of organized athletic
8 competition, during the organized athletic
9 competition, and for a short period after the official
10 end of the organized athletic competition; and

11 (18) Any outdoor advertising device displayed with the
12 authorization of the stadium authority on any
13 scoreboard of any stadium operated by the stadium
14 authority. An outdoor advertising device displayed
15 under this paragraph shall be on the front of the
16 scoreboard and face the interior of the stadium."

17 SECTION 4. In codifying the new section added by section 2
18 of this Act, the revisor of statutes shall substitute an
19 appropriate section number for the letter used in designating
20 the new section in this Act.

21 SECTION 5. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.



HSCR 75-06

Report Title:

Vehicular Advertising

Description:

Prohibits commercial advertising for consideration on vehicles.
(HB2708 HD1)

HB2708 HD1 HMS 2006-1568

