
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 displaying
2 advertisements or other material for compensation pose a
3 significant threat to the State's compelling interests in
4 maintaining traffic safety, limiting traffic congestion and
5 vehicle emissions, and protecting the outstanding natural beauty
6 of Hawaii's islands.

7 Such vehicles are designed to attract the attention of
8 drivers and pedestrians and thus, by their very nature, they
9 increase the risks of traffic accidents by:

- 10 (1) Distracting the attention of drivers and pedestrians;
11 (2) Adding to the congestion of Hawaii's roads, thus
12 increasing the possibility of accidents; and
13 (3) Increasing emissions that degrade the quality of air.

14 The world-renowned aesthetic beauty of Hawaii is important
15 to the health and happiness of Hawaii's residents and crucial to
16 Hawaii's economy because it attracts visitors and serves as a
17 foundation of the visitor industry. By their very nature,
18 vehicles displaying advertisements or other materials for



1 compensation have the effect of obscuring and detracting from
2 Hawaii's valuable natural scenery.

3 In 1978, the people of Hawaii emphasized the importance of
4 protecting Hawaii's natural beauty by adding article XI, section
5 1 to the State Constitution, which states:

6 "For the benefit of present and future
7 generations, the State and its political subdivisions
8 shall conserve and protect Hawaii's natural beauty and
9 all natural resources...."

10 A prohibition on paid vehicular signs carries out the mandate
11 laid out in article XI, section 1 of the State Constitution.

12 The purpose of this Act is to advance the State's
13 compelling interests in traffic safety and aesthetics by
14 prohibiting the operation or parking of vehicles displaying
15 advertisements or other materials for compensation.

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

19 **§445-A Vehicular advertising prohibited; penalty.** (a)

20 It is unlawful for any person to operate or park, or cause to be
21 operated or parked, on any street, roadway, or other public
22 place, or on any private property that can be seen from any



1 street, roadway, or other public place, any vehicle or trailer
2 carrying a vehicular advertising device for consideration or any
3 other economic benefit. The phrase "for consideration or any
4 other economic benefit" shall not include any benefit derived by
5 the owner or operator of the vehicle or trailer from the effect
6 of the advertising.

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

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

11 (d) As used in this section:

12 "Person" means any person, corporation, partnership, or
13 other entity conducting business in the state.

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

17 "Vehicular advertising device" means any sign, writing,
18 picture, poster, painting, notice, bill, model, display, symbol,
19 emblem, or similar device, which is so designed that it draws
20 the attention of persons in any public street, roadway, or other
21 public place."



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

3 **"§445-112 Where and when permitted.** No person shall
4 erect, maintain, or use a billboard or display any outdoor
5 advertising device, except as provided in this section:

6 (1) The display of official notices and signs, posted by
7 order of any court or public office, or posted by any
8 public officer in the performance of a public duty, or
9 posted by any person required to do so by any law or
10 rule having the force of law;

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

21 (3) Any outdoor advertising device indicating that the
22 building or premises on which it is displayed is the



1 residence, office, or place of business, commercial or
2 otherwise, of any individual, partnership, joint
3 venture, association, club, or corporation, and
4 stating the nature of the business;

5 (4) Any outdoor advertising device that advertises
6 property or services that may be bought, rented, sold,
7 or otherwise traded in on the premises or in the
8 building on which the outdoor advertising device is
9 displayed;

10 (5) The offering for sale of merchandise bearing
11 incidental advertising, including books, magazines,
12 and newspapers, in any store, newsstand, vending
13 machine, rack, or other place where such merchandise
14 is regularly sold;

15 (6) Any outdoor advertising device offering any land,
16 building, or part of a building for sale or rent, if
17 displayed on the property so offered or on the
18 building [~~of which part is~~] so offered;

19 (7) Any outdoor advertising device carried by persons or
20 placed upon vehicles used for the transportation of
21 persons or goods[+], except as provided under section
22 445-A, relating to vehicular advertising devices;



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



- 1 (12) Signs stating that a residence that is offered for
2 sale, lease, or rent is open for inspection at the
3 actual time the sign is displayed and showing the
4 route to the residence; provided that the sign
5 contains no words or designs other than the words
6 "Open House", the address of the residence, the name
7 of the person or agency responsible for the sale, and
8 an arrow or other directional symbol and is removed
9 during such time as the residence is not open for
10 inspection;
- 11 (13) The erection, maintenance, and use of billboards if
12 the billboard is used solely for outdoor advertising
13 devices not prohibited by this section;
- 14 (14) The continued display and maintenance of outdoor
15 advertising devices actually displayed on July 8,
16 1965, in accordance with all laws and ordinances
17 immediately theretofore in effect;
- 18 (15) The continued maintenance of any billboard actually
19 maintained on July 8, 1965, and the display thereon of
20 the same or new advertising devices, all in accordance
21 with all laws and ordinances in effect immediately
22 prior to July 9, 1965;



- 1 (16) Any outdoor advertising device displayed with the
2 authorization of the University of Hawaii on any
3 scoreboard of any stadium owned by the university. An
4 outdoor advertising device displayed under this
5 paragraph shall be on the front of the scoreboard and
6 face the interior of the stadium;
- 7 (17) Any temporary outdoor advertising device attached to
8 or supported by the structure of any stadium owned by
9 the University of Hawaii, located within and facing
10 the interior of the stadium, and authorized to be
11 displayed by the university. For the purpose of this
12 paragraph, "temporary" means displayed for a short
13 period before the official start of organized athletic
14 competition, during the organized athletic
15 competition, and for a short period after the official
16 end of the organized athletic competition; and
- 17 (18) Any outdoor advertising device displayed with the
18 authorization of the stadium authority on any
19 scoreboard of any stadium operated by the stadium
20 authority. An outdoor advertising device displayed
21 under this paragraph shall be on the front of the
22 scoreboard and face the interior of the stadium."



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

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

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



HB 2708
HD2

Report Title:
Vehicular Advertising

Description:
Prohibits commercial advertising for compensation on vehicles.
(HB2708 HD2)

HB2708 HD2 HMS 2006-2326

