

PROPOSED

HOUSE OF REPRESENTATIVES  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

H.B. NO. 2705  
H.D. 1  
S.D. 1

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## 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, endanger the safety  
3 of individuals, confuse, mislead, or obstruct the vision  
4 necessary for traffic safety, or otherwise endanger the public  
5 health, safety, and welfare. In addition to these public safety  
6 concerns, the legislature also wishes to address the following  
7 concerns by this Act:

- 8           (1) The preservation of the residential character of  
9           residential neighborhoods;
- 10           (2) The preservation of order and cleanliness;
- 11           (3) The avoidance of the appearance of clutter;
- 12           (4) The protection of property values;
- 13           (5) The avoidance of litter and the growth of weeds around  
14           signs;
- 15           (6) The reduction in traffic hazards caused by  
16           distractions to motorists and impairment of sight  
17           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~~] below,  
11 and as may be limited by section 445-A:

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

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- 1 for profit and includes but is not limited to sports  
2 events, conventions, fairs, rallies, plays, lectures,  
3 concerts, motion pictures, dances, and religious  
4 services;
- 5 (3) Any outdoor advertising device indicating that the  
6 building or premises on which it is displayed is the  
7 residence, office, or place of business, commercial or  
8 otherwise, of any individual, partnership, joint  
9 venture, association, club, or corporation, and  
10 stating the nature of the business;
- 11 (4) Any outdoor advertising device that advertises  
12 property or services that may be bought, rented, sold,  
13 or otherwise traded in on the premises or in the  
14 building on which the outdoor advertising device is  
15 displayed;
- 16 (5) The offering for sale of merchandise bearing  
17 incidental advertising, including books, magazines,  
18 and newspapers, in any store, newsstand, vending  
19 machine, rack, or other place where such merchandise  
20 is regularly sold;
- 21 (6) Any outdoor advertising device offering any land,  
22 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



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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;



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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



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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



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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





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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. Chapter 445, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 **"§445-A Residential devices; size limitations.** (a) The  
8 billboards or displays of outdoor advertising devices allowed  
9 under section 445-12, if erected, maintained, used, or displayed  
10 on residential property shall only be allowed if they comply  
11 with the following additional requirements:

12 (1) Each sign displayed is no larger than four feet by two  
13 feet, provided that the total area of all signs for  
14 each residential unit does not exceed sixteen square  
15 feet; and

16 (2) No sign may be posted when a resident or owner of the  
17 property has received any payment, fee, or other  
18 economic benefit of any sort for the display of the  
19 sign; "economic benefit" shall not include any benefit  
20 derived by the resident or owner of the property from  
21 the effect of the advertising.



1        (b) For purposes of this section, the term "residential  
 2 property" shall refer to any separate residential properties  
 3 that have separate tax map keys, except that in a multi-family  
 4 dwelling structure with separate residential units, each  
 5 separate unit shall be entitled to display signs meeting the  
 6 requirements listed in subsection (a) (1).

7        (c) A dwelling structure with multiple separate  
 8 residential units may, on its common areas, display signs that  
 9 are no larger than eight by four feet, provided that the total  
 10 area of all signs for such common areas of a structure does not  
 11 exceed sixty-four square feet."

12        SECTION 4. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14        SECTION 5. This Act shall take effect upon approval.

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**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. (SD1)

