
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:

11 (1) Not less than \$200 or more than \$2,000, for the first
12 offense;

13 (2) Not less than \$500 or more than \$5,000 for the second
14 offense; and

15 (3) Not less than \$1,000 or more than \$10,000 for the
16 third and subsequent offense.

17 (d) As used in this section:

18 "Trailer" means a vehicle or conveyance with or without
19 motive power designed to be pulled or propelled by a vehicle or
20 other form of power.

21 "Vehicular advertising device" means any sign, writing,
22 picture, poster, painting, notice, bill, model, display, symbol,

1 emblem, or similar device, which is so designed that it draws
2 the attention of persons in any public street, roadway, or other
3 public place."

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

6 "**§445-112 Where and when permitted.** No person shall
7 erect, maintain, or use a billboard or display any outdoor
8 advertising device, except as provided in this section:

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

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



1 concerts, motion pictures, dances, and religious
2 services;

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

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

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

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



- 1 (7) Any outdoor advertising device carried by persons or
2 placed upon vehicles used for the transportation of
3 persons or goods[+], except as provided under section
4 445-A, relating to vehicular advertising devices;
- 5 (8) Any outdoor advertising device warning the public of
6 dangerous conditions that they may encounter in nearby
7 sections of streets, roads, paths, public places,
8 power lines, gas and water mains, or other public
9 utilities;
- 10 (9) Signs serving no commercial purpose that indicate
11 places of natural beauty, or of historical or cultural
12 interest and that are made according to designs
13 approved by the department of business, economic
14 development, and tourism;
- 15 (10) Any outdoor advertising device or billboard erected,
16 placed, or maintained upon a state office building, if
17 erected, placed, or maintained by authority of a state
18 agency, department, or officer for the sole purpose of
19 announcing cultural or educational events within the
20 State, and if the design and location thereof has been
21 approved by the department of business, economic
22 development, and tourism;



- 1 (11) Signs urging voters to vote for or against any person
2 or issue, may be erected, maintained, and used, except
3 where contrary to or prohibited by law;
- 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
19 July 8, 1965, in accordance with all laws and
20 ordinances 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 4. In codifying the new section added by section 2
5 of this Act, the revisor of statutes shall substitute an
6 appropriate section number for the letter used in designating
7 the new section in this Act.

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

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

Report Title:

Vehicular Advertising

Description:

Prohibits commercial advertising for compensation on vehicles.
Provides penalties. (SD1)

