

# PROPOSED

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

H.B. NO. 2708  
H.D. 2  
S.D. 2

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## 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 if the vehicle or trailer is used  
4 primarily to display a vehicular advertising device. The phrase  
5 "for consideration or any other economic benefit" shall not  
6 include any benefit derived by the owner or operator of the  
7 vehicle or trailer from the effect of the advertising.

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

10 (c) Any person convicted of violating this section shall  
11 be fined:

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

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

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

18 (d) As used in this section:

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

1       "Vehicular advertising device" means any sign, writing,  
2 picture, poster, painting, notice, bill, model, display, symbol,  
3 emblem, or similar device, which is so designed that it draws  
4 the attention of persons in any public street, roadway, or other  
5 public place."

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

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

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

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

- 1           (15) The continued maintenance of any billboard actually  
2           maintained on July 8, 1965, and the display thereon of  
3           the same or new advertising devices, all in accordance  
4           with all laws and ordinances in effect immediately  
5           prior to July 9, 1965;
- 6           (16) Any outdoor advertising device displayed with the  
7           authorization of the University of Hawaii on any  
8           scoreboard of any stadium owned by the university. An  
9           outdoor advertising device displayed under this  
10          paragraph shall be on the front of the scoreboard and  
11          face the interior of the stadium;
- 12          (17) Any temporary outdoor advertising device attached to  
13          or supported by the structure of any stadium owned by  
14          the University of Hawaii, located within and facing  
15          the interior of the stadium, and authorized to be  
16          displayed by the university. For the purpose of this  
17          paragraph, "temporary" means displayed for a short  
18          period before the official start of organized athletic  
19          competition, during the organized athletic  
20          competition, and for a short period after the official  
21          end of the organized athletic competition; and





1           (18) Any outdoor advertising device displayed with the  
2                   authorization of the stadium authority on any  
3                   scoreboard of any stadium operated by the stadium  
4                   authority. An outdoor advertising device displayed  
5                   under this paragraph shall be on the front of the  
6                   scoreboard and face the interior of the stadium."

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

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

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

PROPOSED

**Report Title:**

Vehicular Advertising

**Description:**

Prohibits commercial advertising for compensation on vehicles.  
Provides penalties. (SD2)

