

JAN 25 2006

S.B. NO. 2746

A BILL FOR AN ACT

RELATING TO OUTDOOR ADVERTISING.

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

1 SECTION 1. 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,



- 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; provided that no persons shall
4 operate or park, or cause to be operated or parked, on
5 any street, roadway, or other public place, or on any
6 private property that can be seen from any street,
7 roadway, or other public place, any vehicle or trailer
8 designed or used for the purpose of advertising for
9 consideration or any other economic benefit any
10 product or service, except that any vehicle or trailer
11 may display advertising or business notices related to
12 the business for which the vehicle is used, when the
13 vehicle is:
14 (A) Engaged in its usual business; and
15 (B) Is not being used merely, mainly, or primarily to
16 display advertisements or business notices;
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~~
12 have been approved by the department of business,
13 economic 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 2. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.
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SB. NO. 2746

Report Title:

County Licenses; Outdoor Advertising

Description:

Prohibits advertising on a vehicle engaged in business when the vehicle is operated or parked in a public place, or private place if viewed from a public place, if the primary purpose is advertising.

