
A BILL FOR AN ACT

RELATING TO MOBILE BILLBOARDS.

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

1 SECTION 1. The purpose of this Act is to close a loophole
2 that allows persons to place banners and other advertising
3 devices for others on their vehicles or trailers for
4 compensation, as long as the vehicles or trailers are not used
5 primarily to display advertising. This Act does not prohibit
6 vehicles from displaying advertising, provided that the vehicle
7 is regularly used in the operations of the business to which the
8 advertising relates. The State has a substantial interest in
9 traffic safety and aesthetics, and fulfilling the responsibility
10 in article XI, section 1, of the Hawaii Constitution, which
11 states, "For the benefit of present and future generations, the
12 State and its political subdivisions shall conserve and protect
13 Hawaii's natural beauty and all natural resources"

14 SECTION 2. Section 445-112.5, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By amending its title and subsection (a) to read:

1 "~~[§445-112.5]~~ **[Vehicular advertising] Mobile**
2 **billboards prohibited; penalty.** (a) It is unlawful for any
3 person to operate or park, or cause to be operated or parked, on
4 any street, roadway, or other public place, or on any private
5 property that can be seen from any street, roadway, or other
6 public place, any vehicle or trailer carrying ~~[a vehicular]~~ or
7 displaying an advertising device for consideration or any other
8 economic benefit ~~[if the vehicle or trailer is used primarily to~~
9 ~~display a vehicular advertising device. The phrase "for~~
10 ~~consideration or any other economic benefit" shall not include~~
11 ~~any benefit derived by the owner or operator of the vehicle or~~
12 ~~trailer from the effect of the advertising.]; provided that this~~

13 prohibition shall not apply to a vehicle or trailer that:

14 (1) Is regularly driven or moved as part of the day-to-day
15 operations of a business; and

16 (2) Carries or displays an advertising device that relates
17 to that business.

18 For the purposes of this section, "economic benefit" shall not
19 include a benefit such as increased business or commercial name
20 recognition derived by the owner of the vehicle or trailer from
21 an advertising device that advertises the business in whose
22 daily function the vehicle or trailer is actively used."

1 2. By amending subsection (d) to read:

2 "(d) As used in this section:

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

8 "Trailer" means a vehicle or conveyance with or without
9 motive power designed to be pulled or propelled by a vehicle or
10 other form of power.

11 ~~["Vehicular advertising" means any sign, writing, picture,~~
12 ~~poster, painting, notice, bill, model, display, symbol, emblem,~~
13 ~~or similar device, which is so designed that it draws the~~
14 ~~attention of persons in any public street, roadway, or other~~
15 ~~public place.]"~~

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on January 1, 2046.

Report Title:

Advertising; Mobile Billboards; Prohibition

Description:

Amends the restrictions on the use of mobile billboards.
Exempts businesses using vehicles with advertising in the daily
function of the advertised business. (SD1)