

JAN 22 2010

A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. Section 264-101, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§264-101 Vending from highways or scenic lookouts
4 **prohibited.** (a) No person shall park or place a vehicle or
5 structure wholly or partly on any highway or at any scenic
6 lookout for the purpose of selling the vehicle or structure or
7 of selling therefrom or therein any article, service, or thing,
8 thereby creating a hazardous condition or a public nuisance or
9 in reckless disregard of the risk of creating a hazardous
10 condition or public nuisance. The department of transportation
11 may remove or require the immediate removal of the vehicle or
12 structure from the highway.

13 (b) For the purposes of this section [~~,"highway"~~]:

14 "Highway" means the entire width, including the berm or
15 shoulder of a public highway as defined in section 264-1.

16 "Scenic lookout" includes any area within or adjoining a
17 public street, road, or highway that is intended for use by



1 motorists as a stopping or parking area attendant to the
2 enjoyment of the surrounding scenery or a view."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Highways; Scenic Lookouts; Vending

Description:

Prohibits vending at scenic lookouts.

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