
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 used to circumvent existing regulations governing outdoor
3 advertising, including the State's longstanding prohibition on
4 off-site commercial advertising, which has been in place for
5 more than seventy-five years. The loophole has emerged because
6 the current regulations are being interpreted to allow
7 commercial businesses to place temporary banners and other
8 advertising devices on vehicles and trailers, advertising that
9 would be prohibited if they were placed on fixed locations.
10 This Act will not prohibit a business from placing on its
11 vehicles any signs that refer to the function of the business,
12 products, or services offered by the business. The State has a
13 substantial interest in traffic safety and aesthetics, and
14 fulfilling the responsibility stated in article XI, section 1,
15 of the Constitution of the State of Hawaii, which provides that:
16 "For the benefit of the present and future generations, the



1 State and its political subdivisions shall conserve and protect
2 Hawaii's natural beauty and all natural resources . . ."

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

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

6 "[~~f~~]§445-112.5[~~f~~] [~~Vehicular advertising~~] Mobile
7 billboards prohibited; penalty. (a) It is unlawful for any
8 person to operate or park, or cause to be operated or parked, on
9 any street, roadway, or other public place, or on any private
10 property that can be seen from any street, roadway, or other
11 public place, any vehicle or trailer carrying [~~a vehicular~~] or
12 displaying an advertising device for consideration or any other
13 economic benefit [~~if the vehicle or trailer is used primarily to~~
14 ~~display a vehicular advertising device. The phrase "for~~
15 ~~consideration or any other economic benefit"~~ shall not include
16 any benefit derived by the owner or operator of the vehicle or
17 trailer from the effect of the advertising.], provided that this
18 prohibition shall not apply to vehicles or trailers that are
19 actively used in the daily function of the business to which the
20 advertising device relates."

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

22 "(d) As used in this section:



1 "Trailer" means a vehicle or conveyance with or without
2 motive power designed to be pulled or propelled by a vehicle or
3 other form of power.


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

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.


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


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INTRODUCED BY:



Tom Brown





JAN 27 2009



Report Title:

Advertising; Mobile Billboards; Prohibition

Description:

Amends the restrictions on the use of mobile billboards and provides for penalties. Exempts businesses using advertising devices used in the daily function of the business.

