

**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. Clarifies what constitutes  
certain exempted vehicles. Effective 7/1/2075. (SD2)

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# 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; provided that day-to-day  
16 operations include advertising that is directly  
17 limited to and directly related to an engaged  
18 passenger vehicle's service route or contracted  
19 customer service business, including scheduled special  
20 events and parades; and  
21           (2) Carries or displays an advertising device that relates  
22 only to that business."

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           "Economic benefit" shall not include a benefit such as  
9 increased business or commercial name recognition derived by the  
10 owner of the vehicle or trailer from an advertising device that  
11 advertises the business in whose daily function the vehicle or  
12 trailer is actively used or meets the requirements of subsection  
13 (a) (1).

14           "Trailer" means a vehicle or conveyance with or without  
15 motive power designed to be pulled or propelled by a vehicle or  
16 other form of power.

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

1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2075.