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## A BILL FOR AN ACT

RELATING TO OUTDOOR ADVERTISING.

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

1           SECTION 1. The legislature finds that the State has a  
2 substantial interest in traffic safety and aesthetics.

3           The purpose of this Act is to close a loophole that allows  
4 a person to place unregulated vehicle wraps on their vehicles or  
5 trailers for others, either compensated or not. This Act does  
6 not prohibit vehicle wraps, but allows the counties to regulate  
7 them.

8           SECTION 2. Section 445-111, Hawaii Revised Statutes, is  
9 amended to read as follows:

10           "~~§~~445-111 **Definitions.** (a) As used in this chapter:

11           ~~[(1)]~~ "Outdoor advertising device" means any device which  
12 is:

13           ~~[(A)]~~ (1) A writing, picture, painting, light, model,  
14 display, emblem, sign, or similar device situated  
15 outdoors, which is so designed that it draws the  
16 attention of persons in any public highway, park,  
17 or other public place to any property, services,  
18 entertainment, or amusement, bought, sold,



1           rented, hired, offered, or otherwise traded in by  
2           any person, or to the place or person where or by  
3           whom such buying, selling, renting, hiring,  
4           offering, or other trading is carried on;

5           [~~(B)~~] (2) A sign, poster, notice, bill, or word or  
6           words in writing situated outdoors and so  
7           designed that it draws the attention of and is  
8           read by persons in any public highway, park, or  
9           other public place; or

10          [~~(C)~~] (3) A sign, writing, symbol, or emblem made of  
11          lights, or a device or design made of lights so  
12          designed that its primary function is not giving  
13          light, which is situated outdoors and draws the  
14          attention of persons in any public highway, park  
15          or other public place.

16          [~~(2)~~] "Billboard" is any board, fence, or similar  
17          structure, whether free-standing or supported by or placed  
18          against any wall or structure, which is designed or used for the  
19          principal purpose of having outdoor advertising devices placed,  
20          posted, or fastened upon it.

21          "Vehicle wrap" is a custom, full color design that is  
22          applied to the entire surface of a motor vehicle.



1           ~~[(3)]~~ (b) Any person who, by oneself or through any agent  
2 or independent contractor, maintains or displays any outdoor  
3 advertising device, or any person who knowingly causes any  
4 outdoor advertising device advertising the person's products,  
5 merchandise, or services to be displayed by oneself or any agent  
6 or independent contractor; or any person who, being in  
7 possession of any land, building, or part of a building, permits  
8 any outdoor advertising device on the land, building, or part of  
9 a building, shall be deemed to be displaying an outdoor  
10 advertising device.

11           ~~[(4)]~~ (c) Any person, who, by oneself or through any agent  
12 or independent contractor, erects or maintains a billboard or  
13 places any outdoor advertising device upon a billboard, or any  
14 person who knowingly causes any of the person's products,  
15 merchandise, or services to be advertised upon a billboard by  
16 oneself or through any agent or independent contractor; or any  
17 person who, being in possession of any land, building, or part  
18 of a building, knowingly permits a billboard to be erected or to  
19 remain on the land, building, or part of a building, shall be  
20 deemed to be maintaining a billboard."

21           SECTION 3. Section 445-113, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           "**§445-113 Regulation by counties.** Except for outdoor  
2 advertising devices authorized under section 445-112(16) and  
3 (17), the several counties may adopt ordinances regulating  
4 billboards, vehicle wraps, and outdoor advertising devices not  
5 prohibited by sections 445-111 to 445-121. The ordinances may:

6           (1) Classify billboards, vehicle wraps, and outdoor  
7 advertising devices in the classes set forth in  
8 section 445-112, or in any other reasonable manner of  
9 classification;

10          (2) Regulate the size, manner of construction, color,  
11 illumination, location, and appearance of any class of  
12 billboard, vehicle wrap, or outdoor advertising  
13 device;

14          (3) Prohibit the erection or maintenance of any type of  
15 billboard or the displaying of any outdoor advertising  
16 device in particular parts, or in all parts, of the  
17 county; provided that the prohibition shall not apply  
18 to any official notice or sign described in section  
19 445-112(1); and provided further that, unless a county  
20 ordinance specifies otherwise, the prohibition shall  
21 extend to billboards or outdoor advertising devices  
22 located in the airspace or waters beyond the



1 boundaries of the county that are visible from any  
2 public highway, park, or other public place located  
3 within the county;

4 (4) Control and license the business of making, erecting,  
5 posting, renting, and maintaining outdoor advertising  
6 devices, vehicle wraps, and billboards as a business  
7 providing advertising for others, and require each  
8 person engaging in such business to obtain an annual  
9 license, the fee for which shall not exceed \$100. The  
10 license shall be conditioned upon the maintenance of  
11 all outdoor advertising devices, vehicle wraps, and  
12 billboards in a safe state, and the observance of  
13 sections 445-111 to 445-121 and all applicable  
14 ordinances and shall be revocable by the licensing  
15 authority upon breach of such condition;

16 (5) Require that no person, whether licensed under  
17 paragraph (4) or not, shall erect or maintain any  
18 billboard unless it is licensed by a permit issued by  
19 the county, the issuance of which permit shall be  
20 conditioned upon compliance with this chapter and all  
21 applicable ordinances and the payment to the county of  
22 an annual fee not to exceed \$25 per billboard; and



1 (6) Provide for such other regulation of billboards,  
2 vehicle wraps, and outdoor advertising devices as will  
3 promote the public health, welfare, safety, and  
4 convenience; encourage and promote the tourist and  
5 visitor trade; conserve and develop the natural beauty  
6 of the State, as well as objects and places of  
7 historic and cultural interest; foster sightliness and  
8 physical good order; and promote the purposes and  
9 provisions of sections 445-111 to 445-121."

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Cindy Evans  
JAN 19 2010



**Report Title:**

Outdoor Advertising; Vehicle Wraps

**Description:**

Allows the counties to regulate vehicle wraps that are used for outdoor advertising.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

