
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 that would be
9 prohibited if they were placed on fixed locations. This Act is
10 not intended to prohibit a business from placing on its vehicles
11 any signs that refer to the function of the business, products,
12 or services offered by the business.

13 The State has a substantial interest in traffic safety and
14 aesthetics, and fulfilling the responsibility stated in article
15 XI, section 1, of the Constitution of the State of Hawaii, which
16 provides that: "For the benefit of the present and future
17 generations, the State and its political subdivisions shall

1 conserve and protect Hawaii's natural beauty and all natural
2 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 "~~§445-112.5~~ ~~Vehicular advertising~~ **Mobile billboards**

7 **prohibited; penalty.** (a) It is unlawful for any person to
8 operate or park, or cause to be operated or parked, on any
9 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 when the
20 advertising on the advertising device relates to that business.
21 For the purposes of this section, "economic benefit" shall not
22 include any benefit such as increased business or commercial

1 name recognition derived by the owner of the vehicle or trailer
2 from an advertising device that advertises the business in whose
3 daily function the vehicle or trailer is actively used."

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

5 "(d) As used in this section:

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

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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2015.

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. (SD1)