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

3           "§445-111 Definitions[-]; application of terms. (a) As  
4 used in this chapter:

5           "Billboard" means any board, fence, or similar structure,  
6 whether free-standing or supported by or placed against any wall  
7 or structure, which is designed or used for the principal  
8 purpose of having outdoor advertising devices placed, posted, or  
9 fastened upon it. The term billboard does not include a ground  
10 sign.

11           "Ground sign" means a freestanding, self-supported  
12 structure that:

13           (1) Is placed or erected by a planned community  
14 association subject to chapter 421J to announce  
15 association meetings or recreational activities of the  
16 planned community association's recreation center;

17           (2) Is erected or supported from the ground within the  
18 zoned district of the planned community association;



- 1        (3) Contains one or more faces for sign or display
- 2                purposes, including a pole sign; and
- 3        (4) Does not exceed a height of five feet above finish
- 4                grade.

5        [~~1~~] "Outdoor advertising device" means any device which  
6                is:

7                [~~A~~] (1) A writing, picture, painting, light, model,  
8                display, emblem, sign, or similar device situated  
9                outdoors, which is so designed that it draws the  
10               attention of persons in any public highway, park, or  
11               other public place to any property, services,  
12               entertainment, or amusement, bought, sold, rented,  
13               hired, offered, or otherwise traded in by any person,  
14               or to the place or person where or by whom such  
15               buying, selling, renting, hiring, offering, or other  
16               trading is carried on;

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

21               [~~C~~] (3) A sign, writing, symbol, or emblem made of  
22               lights, or a device or design made of lights so



1           designed that its primary function is not giving  
2           light, which is situated outdoors and draws the  
3           attention of persons in any public highway, park or  
4           other public place.

5           The term outdoor advertising device does not include a  
6           ground sign.

7           ~~[(2) "Billboard" is any board, fence, or similar structure,~~  
8           ~~whether free standing or supported by or placed~~  
9           ~~against any wall or structure, which is designed or~~  
10           ~~used for the principal purpose of having outdoor~~  
11           ~~advertising devices placed, posted, or fastened upon~~  
12           ~~it.~~

13           ~~(3)]~~ (b) Any person who, by oneself or through any agent  
14           or independent contractor, maintains or displays any outdoor  
15           advertising device, or any person who knowingly causes any  
16           outdoor advertising device advertising the person's products,  
17           merchandise, or services to be displayed by oneself or any agent  
18           or independent contractor; or any person who, being in  
19           possession of any land, building, or part of a building, permits  
20           any outdoor advertising device on the land, building, or part of  
21           a building, shall be deemed to be displaying an outdoor  
22           advertising device.



1           [~~(4)~~] (c) Any person, who, by oneself or through any agent  
2 or independent contractor, erects or maintains a billboard or  
3 places any outdoor advertising device upon a billboard, or any  
4 person who knowingly causes any of the person's products,  
5 merchandise, or services to be advertised upon a billboard by  
6 oneself or through any agent or independent contractor; or any  
7 person who, being in possession of any land, building, or part  
8 of a building, knowingly permits a billboard to be erected or to  
9 remain on the land, building, or part of a building, shall be  
10 deemed to be maintaining a billboard."

11           SECTION 2. Section 445-113, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§445-113 Regulation by counties.** [~~Except for outdoor~~  
14 ~~advertising devices authorized under section 445-112(16) and~~  
15 ~~(17), the]~~ The several counties may adopt ordinances regulating  
16 billboards and outdoor advertising devices that are not  
17 prohibited by sections 445-111 to 445-121[-], excluding outdoor  
18 advertising devices authorized under section 445-112(16) and  
19 (17) and ground signs, as defined in section 445-111. The  
20 ordinances may:



- 1           (1) Classify billboards and outdoor advertising devices in  
2           the classes set forth in section 445-112, or in any  
3           other reasonable manner of classification;
- 4           (2) Regulate the size, manner of construction, color,  
5           illumination, location, and appearance of any class of  
6           billboard or outdoor advertising device;
- 7           (3) Prohibit the erection or maintenance of any type of  
8           billboard or the displaying of any outdoor advertising  
9           device in particular parts, or in all parts, of the  
10          county; provided that the prohibition shall not apply  
11          to any official notice or sign described in section  
12          445-112(1); and provided further that, unless a county  
13          ordinance specifies otherwise, the prohibition shall  
14          extend to billboards or outdoor advertising devices  
15          located in the airspace or waters beyond the  
16          boundaries of the county that are visible from any  
17          public highway, park, or other public place located  
18          within the county;
- 19          (4) Control and license the business of making, erecting,  
20          posting, renting, and maintaining outdoor advertising  
21          devices and billboards as a business providing  
22          advertising for others, and require each person



1 engaging in such business to obtain an annual license,  
2 the fee for which shall not exceed \$100. The license  
3 shall be conditioned upon the maintenance of all  
4 outdoor advertising devices and billboards in a safe  
5 state, and the observance of sections 445-111 to  
6 445-121 and all applicable ordinances and shall be  
7 revocable by the licensing authority upon breach of  
8 such condition;

9 (5) Require that no person, whether licensed under  
10 paragraph (4) or not, shall erect or maintain any  
11 billboard unless it is licensed by a permit issued by  
12 the county, the issuance of which permit shall be  
13 conditioned upon compliance with this chapter and all  
14 applicable ordinances and the payment to the county of  
15 an annual fee not to exceed \$25 per billboard; and

16 (6) Provide for such other regulation of billboards and  
17 outdoor advertising devices as will promote the public  
18 health, welfare, safety, and convenience; encourage  
19 and promote the tourist and visitor trade; conserve  
20 and develop the natural beauty of the State, as well  
21 as objects and places of historic and cultural  
22 interest; foster sightliness and physical good order;



1 and promote the purposes and provisions of sections  
2 445-111 to 445-121."

3 SECTION 3. Section 445-114, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§445-114 Unlawful posting in public places.** (a) Except  
6 for a public officer in performance of a public duty, or a  
7 private person in giving legal notice on other than utility  
8 poles, it shall be unlawful for any person to paste, post,  
9 paint, print, nail, tack, or otherwise fasten any card, banner,  
10 handbill, sign, poster, outdoor advertising device, or notice of  
11 any kind or cause the same to be done, on any curbstone,  
12 lamppost, utility pole, streetlight pole, hydrant, bridge, tree,  
13 street sign, traffic sign, or traffic light upon any public  
14 property in the State, except as may be required by the  
15 ordinances of the county where it is posted, or by the laws of  
16 this State or of the United States.

17 (b) Notwithstanding subsection (a), a ground sign, as  
18 defined in section 445-111, shall be allowable in public  
19 places."

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

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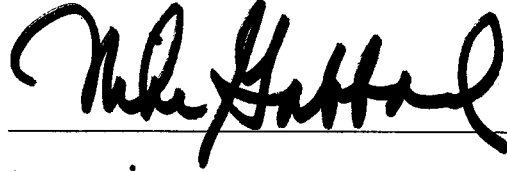


# S.B. NO. 2192

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

2

INTRODUCED BY:









# S.B. NO. 2192

**Report Title:**

Outdoor Advertising; Ground Signs

**Description:**

Exempts certain ground signs from county outdoor advertising regulation. Allows ground signs to be posted in public places.

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

