
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. Section 264-101, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§264-101 Vending from highways prohibited.~~ (a) No person
4 shall occupy any highway, or park or place a vehicle or
5 structure wholly or partly on any highway for the purpose of
6 selling the vehicle or structure or of selling [therefrom or
7 ~~therein any article, service, or thing, thereby creating a~~
8 ~~hazardous condition or a public nuisance or in reckless~~
9 ~~disregard of the risk of creating a hazardous condition or~~
10 ~~public nuisance.]~~ any product, service, merchandise, or food.

11 The department of transportation may remove or require the
12 immediate removal of the vehicle, product, service, merchandise,
13 food, or structure from the highway.

14 (b) The director of transportation, in the case of state
15 highways, may, upon application in writing, issue a written
16 permit, subject to any terms and conditions imposed by the
17 director, authorizing the applicant to vend in the airspace, as
18 that term is defined in title 23 Code of Federal Regulations

1 section 710.105, as amended, of the State's interstate highway
2 system.

3 ~~[(b)]~~ (c) For the purposes of this section, "highway"
4 means the entire width, including the berm or shoulder of a
5 public highway as defined in section 264-1."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9
10 INTRODUCED BY: _____



11 BY REQUEST

JAN 22 2013

H.B. NO. 978

Report Title:

Vending from highways

Description:

More specifically lists the types of vending activities that are prohibited on State highways and authorizes the Director of Transportation to make exceptions for vending in the highway airspace.

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

HB 978

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HIGHWAYS.

PURPOSE: To clarify the types of vending activities that are prohibited on State highways and to authorize the director to make exceptions for vending in the highway airspace.

MEANS: Amend section 264-101, Hawaii Revised Statutes.

JUSTIFICATION: To prohibit vending activities on State highways and to authorize the director to allow restricted vending pursuant to a written permit subject to terms and conditions that are in the best interest of the State.

Impact on the public: Authorizes vending activities under terms and conditions imposed by the director.

Impact on the department and other agencies: Authorizes vending activities that will create revenue for the department.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 595.

OTHER AFFECTED AGENCIES: Judiciary, County Prosecutors, Public Defenders, and Police Departments.

EFFECTIVE DATE: Upon approval.

NEIL ABERCROMBIE
GOVERNOR



Testimony of
GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
JADE BUTAY
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 6, 2013
9:30 a.m.
State Capitol, Conference Room 309



H.B. 978
RELATING TO HIGHWAYS

House Committee on Transportation

The Department of Transportation (DOT) **supports** this Administration bill as it will specifically address the types of vending activities that are prohibited on State highways by amending Section 264-101, Hawaii Revised Statutes. This bill will authorize the Director of Transportation through Federal Highways Administration approval to make exceptions to this section for certain activities only within the interstate airspace pursuant to a written permit, subject to terms and conditions that are in the best interest of the State. This amendment helps ensure legal provisions in the enforcement against unauthorized vending activities which are consistent with certain county ordinances.

Thank you for the opportunity to provide testimony.

