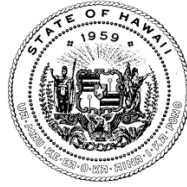


LATE



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

March 28, 2013
3:15 p.m.
State Capitol, Room 308

**S.B. 1209, S.D. 1
RELATING TO HIGHWAYS**

House Committee on Finance

The Department of Transportation (DOT) **supports** this Administration bill, however, we recommend that S.B. 1209 SD1 be amended to reflect the language in its companion H.B. 978 HD1 as it specifically addresses the types of vending activities that are prohibited on State highways by amending Section 264-101, Hawaii Revised Statutes.

The proposed amended language for consideration:

“§264-101 Vending from highways prohibited. (a) No person shall occupy any highway, or park or place a vehicle or structure wholly or partly on any highway for the purpose of selling the vehicle or structure or of selling ~~[therefrom or therein any article, service, or thing, thereby creating a hazardous condition or a public nuisance or in reckless disregard of the risk of creating a hazardous condition or public nuisance.]~~ any product, service, merchandise, food or solicitation. The department of transportation may remove or require the immediate removal of the vehicle, product, service, merchandise, food solicitation, or structure from the highway.”

This bill will also 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.

