

ACT 118

H.B. NO. 3199

A Bill for an Act Relating to Outdoor Advertising.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 445-112, Hawaii Revised Statutes, is amended to

read as follows:

“§445-112 Where and when permitted. No person shall erect, maintain, or use a billboard or display any outdoor advertising device, except as [herein] provided[:] in this section:

- (1) The display of official notices and signs, posted by order of any court or public office, or posted by any public officer in the performance of a public duty, or posted by any person required to do so by any [statute or ordinance] law or rule having the force of law.
- (2) Any outdoor advertising device announcing a meeting or series of meetings is not prohibited by this section if displayed on the premises where the meeting or series of meetings will be or is being held. Meeting, as used in this section, includes all meetings regardless of whether open to the public or [not, or whether] conducted for profit [or not,] and[, including] includes but is not limited to[,] sports events, conventions, fairs, rallies, plays, lectures, concerts, motion pictures, dances, and religious services.
- (3) Any outdoor advertising device indicating that the building or premises on which it is displayed is the residence, office, or place of business, commercial or otherwise, of any individual, partnership, joint venture, association, club, or corporation, and stating the nature of the business.
- (4) Any outdoor advertising device [which] that advertises property or services [which] that may be bought, rented, sold, or otherwise traded in on the premises or in the building on which the outdoor advertising device is displayed.
- (5) The offering for sale of merchandise bearing incidental advertising, including books, magazines, and newspapers, in any store, newsstand, vending machine, rack, or other place where such merchandise is regularly sold.
- (6) Any outdoor advertising device offering any land, building, or part of a building for sale or rent, if displayed on the property so offered[,], or on the building of which part is so offered.
- (7) Any outdoor advertising device carried by persons or placed upon vehicles used for the transportation of persons or goods.
- (8) Any outdoor advertising device warning the public of dangerous conditions [which] that they may encounter in nearby sections of streets, roads, paths, public places, power lines, gas and water mains, or other public utilities.
- (9) Signs serving no commercial purpose[, which] that indicate places of natural beauty, or of historical or cultural interest[,], and that are made according to designs approved by the department of business, economic development, and tourism.
- (10) Any outdoor advertising device or billboard erected, placed, or maintained upon a state office building, if erected, placed, or maintained by authority of a state agency, department, or officer for the sole purpose of announcing cultural or educational events within the State, and if the design and location thereof has been approved by the department of business, economic development, and tourism.
- (11) Signs urging voters to vote for or against any person or issue, if erected not more than forty-five days before, and removed not less than ten days after, the election in which the person is a candidate or in which the issue is to be voted upon.

- (12) Signs stating that a residence [which] that is offered for sale, lease, or rent is open for inspection at the actual time the sign is displayed and showing the route to the residence[.]; provided that the sign contains no words or designs other than the words "Open House[.]", the address of the residence, the name of the person or agency responsible for the sale, and an arrow or other directional symbol[.] and is removed during such time as the residence is not open for inspection.
- (13) The erection, maintenance, and use of billboards if the billboard is used solely for outdoor advertising devices not prohibited by this section.
- (14) The continued display and maintenance of outdoor advertising devices actually displayed on July 8, 1965, in accordance with all laws and ordinances immediately theretofore in effect.
- (15) The continued maintenance of any billboard actually maintained on July 8, 1965, and the display thereon of the same or new advertising devices, all in accordance with all laws and ordinances in effect immediately prior to July 9¹, 1965.
- (16) Any outdoor advertising device displayed with the authorization of the University of Hawaii on any scoreboard of any stadium owned by the university. An outdoor advertising device displayed under this paragraph shall be on the front of the scoreboard and face the interior of the stadium.
- (17) [Until September 1, 1986, any] Any temporary outdoor advertising device attached to or supported by the structure of any stadium owned by the University of Hawaii, located within and facing the interior of the stadium, and authorized to be displayed by the university. For the purpose of this paragraph, "temporary" means displayed for a short period before the official start of organized athletic competition, during the organized athletic competition, and for a short period after the official end of the organized athletic competition[.]; and
- (18) Any outdoor advertising device displayed with the authorization of the stadium authority on any scoreboard of any stadium operated by the stadium authority. An outdoor advertising device displayed under this paragraph shall be on the front of the scoreboard and face the interior of the stadium."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 8, 1994.)

Note

1. Prior to amendment "July 8" appeared here.