
A BILL FOR AN ACT

RELATING TO OUTDOOR ADVERTISING.

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

1 SECTION 1. The legislature finds that the display near
2 traffic intersections of outdoor signs carried by persons in a
3 practice commonly known as "sign waving" poses a danger to
4 drivers and to the persons carrying the signs. Accidents may
5 result where drivers become distracted by the signs and fail to
6 heed the traffic signals, other drivers, or pedestrians in the
7 crosswalk. Signs displayed near busy intersections may also
8 block the view of drivers and prevent them from seeing other
9 traffic or pedestrians entering the intersection. The sign
10 carriers themselves may also be in danger from traffic as they
11 wave signs near a busy intersection.

12 The purpose of this Act is to protect the health, safety,
13 and welfare of people within the State by improving traffic
14 safety and prohibiting sign waving near traffic intersections.
15 It is not the purpose of this Act to regulate or control the
16 copy, content, or viewpoint of any type of sign, nor is it the
17 intent of this Act to create any greater or less protection for
18 any specific type of speech, commercial or non-commercial.



1 SECTION 2. Chapter 445, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§445- Outdoor advertising; sign waving. No outdoor
5 advertising device of any type carried by persons may be
6 displayed or carried along a street, roadway, or sidewalk within
7 twenty-five feet in any direction of an intersection controlled
8 by a traffic control signal or sign."

9 SECTION 3. Section 445-112, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§445-112 Where and when permitted.** No person shall
12 erect, maintain, or use a billboard or display any outdoor
13 advertising device, except as provided in this section:

14 (1) The display of official notices and signs, posted by
15 order of any court or public office, or posted by any
16 public officer in the performance of a public duty, or
17 posted by any person required to do so by any law or
18 rule having the force of law;

19 (2) Any outdoor advertising device announcing a meeting or
20 series of meetings is not prohibited by this section
21 if displayed on the premises where the meeting or
22 series of meetings will be or is being held. Meeting,



1 as used in this section, includes all meetings
2 regardless of whether open to the public or conducted
3 for profit and includes but is not limited to sports
4 events, conventions, fairs, rallies, plays, lectures,
5 concerts, motion pictures, dances, and religious
6 services;

7 (3) Any outdoor advertising device indicating that the
8 building or premises on which it is displayed is the
9 residence, office, or place of business, commercial or
10 otherwise, of any individual, partnership, joint
11 venture, association, club, or corporation, and
12 stating the nature of the business;

13 (4) Any outdoor advertising device that advertises
14 property or services that may be bought, rented, sold,
15 or otherwise traded in on the premises or in the
16 building on which the outdoor advertising device is
17 displayed;

18 (5) The offering for sale of merchandise bearing
19 incidental advertising, including books, magazines,
20 and newspapers, in any store, newsstand, vending
21 machine, rack, or other place where such merchandise
22 is regularly sold;



- 1 (6) Any outdoor advertising device offering any land,
2 building, or part of a building for sale or rent, if
3 displayed on the property so offered or on the
4 building so offered;
- 5 (7) Any outdoor advertising device carried by persons or
6 placed upon vehicles used for the transportation of
7 persons or goods, except as provided under section
8 445-112.5, relating to vehicular advertising devices;
- 9 (8) Any outdoor advertising device warning the public of
10 dangerous conditions that they may encounter in nearby
11 sections of streets, roads, paths, public places,
12 power lines, gas and water mains, or other public
13 utilities;
- 14 (9) Signs serving no commercial purpose that indicate
15 places of natural beauty, or of historical or cultural
16 interest and that are made according to designs
17 approved by the department of business, economic
18 development, and tourism;
- 19 (10) Any outdoor advertising device or billboard erected,
20 placed, or maintained upon a state office building, if
21 erected, placed, or maintained by authority of a state
22 agency, department, or officer for the sole purpose of



1 announcing cultural or educational events within the
2 State, and if the design and location thereof has been
3 approved by the department of business, economic
4 development, and tourism;

5 (11) Signs urging voters to vote for or against any person
6 or issue, may be erected, maintained, and used, except
7 ~~[where contrary to or prohibited by]~~ as prohibited
8 under section 445- or by any other law;

9 (12) Signs stating that a residence that is offered for
10 sale, lease, or rent is open for inspection at the
11 actual time the sign is displayed and showing the
12 route to the residence; provided that the sign
13 contains no words or designs other than the words
14 "Open House", the address of the residence, the name
15 of the person or agency responsible for the sale, and
16 an arrow or other directional symbol and is removed
17 during such time as the residence is not open for
18 inspection;

19 (13) The erection, maintenance, and use of billboards if
20 the billboard is used solely for outdoor advertising
21 devices not prohibited by this section;



- 1 (14) The continued display and maintenance of outdoor
2 advertising devices actually displayed on
3 July 8, 1965, in accordance with all laws and
4 ordinances immediately theretofore in effect;
- 5 (15) The continued maintenance of any billboard actually
6 maintained on July 8, 1965, and the display thereon of
7 the same or new advertising devices, all in accordance
8 with all laws and ordinances in effect immediately
9 prior to July 9, 1965;
- 10 (16) Any outdoor advertising device displayed with the
11 authorization of the University of Hawaii on any
12 scoreboard of any stadium owned by the university. An
13 outdoor advertising device displayed under this
14 paragraph shall be on the front of the scoreboard and
15 face the interior of the stadium;
- 16 (17) Any temporary outdoor advertising device attached to
17 or supported by the structure of any stadium owned by
18 the University of Hawaii, located within and facing
19 the interior of the stadium, and authorized to be
20 displayed by the university. For the purpose of this
21 paragraph, "temporary" means displayed for a short
22 period before the official start of organized athletic



1 competition, during the organized athletic
2 competition, and for a short period after the official
3 end of the organized athletic competition; and
4 (18) Any outdoor advertising device displayed with the
5 authorization of the stadium authority on any
6 scoreboard of any stadium operated by the stadium
7 authority. An outdoor advertising device displayed
8 under this paragraph shall be on the front of the
9 scoreboard and face the interior of the stadium."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13 INTRODUCED BY: Kirk Caldwell

JAN 22 2007



Report Title:

Outdoor Advertising

Description:

Prohibits sign waving near intersections.

