
A BILL FOR AN ACT

RELATING TO ADVERTISING.

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

1 SECTION 1. Chapter 109, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§109- Stadium facility; naming rights. (a)
5 Notwithstanding any law to the contrary, chapter 102 shall not
6 apply to concessions within the stadium facility.

7 (b) The stadium authority may sell or lease the naming
8 rights of the stadium facility or any portion of the stadium
9 facility or building therein to any public or private entity."

10 SECTION 2. Chapter 201B, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§201B- Convention center facility; naming rights;
14 marketing; advertising. (a) Notwithstanding any law to the
15 contrary, chapter 102 shall not apply to concessions in or on
16 the convention center facility.



1 (b) The authority may sell or lease the naming rights of
2 the convention center facility or any portion of the convention
3 center facility to any public or private entity.

4 (c) Any revenues derived from advertising or marketing in
5 or on the convention center facility, including revenues derived
6 under subsection (b), shall be deposited into the convention
7 center enterprise special fund under section 201B-8."

8 SECTION 3. Section 201B-8, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) There is established the convention center enterprise
11 special fund, into which shall be deposited:

12 (1) A portion of the revenues from the transient
13 accommodations tax, as provided by section 237D-6.5;

14 (2) All revenues or moneys derived from the operations of
15 the convention center to include all revenues from

16 [the]:

17 (A) The food and beverage service~~[, all revenues from~~
18 the];

19 (B) The parking facilities ~~[or from any];~~

20 (C) Any concession~~[, and all revenues from the];~~



1 (D) Advertising or marketing, including revenues
2 under section 201B- ; and

3 (E) The sale of souvenirs, logo items, or any other
4 items offered for purchase at the convention
5 center;

6 (3) Private contributions, interest, compensation, gross
7 or net revenues, proceeds, or other moneys derived
8 from any source or for any purpose arising from the
9 use of the convention center facility; and

10 (4) Appropriations by the legislature for marketing the
11 facility pursuant to section 201B-7(a)(7)."

12 SECTION 4. Section 445-112, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§445-112 Where and when permitted.** No person shall
15 erect, maintain, or use a billboard or display any outdoor
16 advertising device, except as provided in this section:

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



- 1 (2) Any outdoor advertising device announcing a meeting or
2 series of meetings is not prohibited by this section
3 if displayed on the premises where the meeting or
4 series of meetings will be or is being held. Meeting,
5 as used in this section, includes all meetings
6 regardless of whether open to the public or conducted
7 for profit and includes but is not limited to sports
8 events, conventions, fairs, rallies, plays, lectures,
9 concerts, motion pictures, dances, and religious
10 services;
- 11 (3) Any outdoor advertising device indicating that the
12 building or premises on which it is displayed is the
13 residence, office, or place of business, commercial or
14 otherwise, of any individual, partnership, joint
15 venture, association, club, or corporation, and
16 stating the nature of the business;
- 17 (4) Any outdoor advertising device that advertises
18 property or services that may be bought, rented, sold,
19 or otherwise traded in on the premises or in the
20 building on which the outdoor advertising device is
21 displayed;



- 1 (5) The offering for sale of merchandise bearing
2 incidental advertising, including books, magazines,
3 and newspapers, in any store, newsstand, vending
4 machine, rack, or other place where [~~such~~] merchandise
5 is regularly sold;
- 6 (6) Any outdoor advertising device offering any land,
7 building, or part of a building for sale or rent, if
8 displayed on the property so offered or on the
9 building so offered;
- 10 (7) Any outdoor advertising device carried by persons or
11 placed upon vehicles used for the transportation of
12 persons or goods, except as provided under section
13 445-112.5, relating to vehicular advertising devices;
- 14 (8) Any outdoor advertising device warning the public of
15 dangerous conditions that they may encounter in nearby
16 sections of streets, roads, paths, public places,
17 power lines, gas and water mains, or other public
18 utilities;
- 19 (9) Signs serving no commercial purpose that indicate
20 places of natural beauty, or of historical or cultural
21 interest and that are made according to designs



1 approved by the department of business, economic
2 development, and tourism;

3 (10) Any outdoor advertising device or billboard erected,
4 placed, or maintained upon a state office building, if
5 erected, placed, or maintained by authority of a state
6 agency, department, or officer for the sole purpose of
7 announcing cultural or educational events within the
8 State, and if the design and location thereof has been
9 approved by the department of business, economic
10 development, and tourism;

11 (11) Signs urging voters to vote for or against any person
12 or issue, may be erected, maintained, and used, except
13 where contrary to or prohibited by law;

14 (12) Signs stating that a residence that is offered for
15 sale, lease, or rent is open for inspection at the
16 actual time the sign is displayed and showing the
17 route to the residence; provided that the sign
18 contains no words or designs other than the words
19 "Open House", the address of the residence, the name
20 of the person or agency responsible for the sale, and
21 an arrow or other directional symbol and is removed



1 during [~~such~~] the time [~~as~~] the residence is not open
2 for inspection;

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

6 (14) The continued display and maintenance of outdoor
7 advertising devices actually displayed on
8 July 8, 1965, in accordance with all laws and
9 ordinances immediately [~~theretofore~~] in effect[~~+~~]
10 before July 9, 1965;

11 (15) The continued maintenance of any billboard actually
12 maintained on July 8, 1965, and the display thereon of
13 the same or new advertising devices, all in accordance
14 with all laws and ordinances in effect immediately
15 [~~prior to~~] before July 9, 1965;

16 (16) Any outdoor advertising device, displayed with the
17 authorization of the University of Hawaii, on any
18 scoreboard of any stadium owned by the university[~~-~~
19 ~~A~~]; provided that an outdoor advertising device
20 displayed under this paragraph shall be on the front



1 of the scoreboard and face the interior of the
2 stadium;

3 (17) Any temporary outdoor advertising device attached to
4 or supported by the structure of any stadium owned by
5 the University of Hawaii, located within and facing
6 the interior of the stadium, and authorized to be
7 displayed by the university[~~For~~]; provided that for
8 the purpose of this paragraph, "temporary" means
9 displayed for a short period before the official start
10 of organized athletic competition, during the
11 organized athletic competition, and for a short period
12 after the official end of the organized athletic
13 competition;

14 (18) Any outdoor advertising device, displayed with the
15 authorization of the stadium authority, on any
16 scoreboard of any stadium [~~operated~~] managed by the
17 stadium authority[~~An~~]; provided that an outdoor
18 advertising device displayed under this paragraph
19 shall be on the front of the scoreboard and face the
20 interior of the stadium; [~~and~~]



1 (19) Any billboard or outdoor advertising device, displayed
2 with the authorization of the stadium authority,
3 within the stadium facility established by section
4 206E-223; provided that an outdoor advertising device
5 displayed under this paragraph shall:

- 6 (A) Face the interior of the stadium facility;
- 7 (B) Be designed for pedestrians within the stadium
8 facility; and
- 9 (C) Not be used solely for the purposes of commercial
10 advertising;

11 (20) Notwithstanding any limitation of paragraph (19), any
12 outdoor advertising device for naming the stadium
13 facility, which may include the name and brand of a
14 public or a private entity, displayed with the
15 authorization of the stadium authority, in or on the
16 stadium facility; provided that an outdoor advertising
17 device displayed under this paragraph shall not
18 contain moving images;

19 ~~[(19)]~~ (21) Any outdoor advertising device, displayed with
20 the authorization of the city and county of Honolulu,
21 on the scoreboard of the Waipio peninsula soccer



1 stadium[~~—The~~]; provided that the outdoor advertising
2 device shall be:

- 3 (A) Attached to the bottom of the scoreboard;
4 (B) No longer than the width of the scoreboard; and
5 (C) No higher than twenty-five per cent of the
6 scoreboard height.

7 The scoreboard shall be no larger than twenty-eight
8 feet by ten feet. Any outdoor advertising device
9 displayed pursuant to this paragraph shall be on the
10 front of the scoreboard and face the interior of the
11 stadium; provided that the outdoor advertising device
12 shall not be visible from any thoroughfare[~~+~~];

13 (22) Any outdoor advertising device, displayed with the
14 authorization of the Hawaii tourism authority, in or
15 on the convention center facility. An outdoor
16 advertising device displayed under this paragraph that
17 faces the exterior of the convention center facility
18 shall:

- 19 (A) Consist only of the name of the sponsoring entity
20 and the words "Hawaii Convention Center", "Hawai'i



1 Convention Center", or "Convention Center", and
2 may include a company logo; and

3 (B) Be static and contain no video or moving images;
4 and

5 (23) Any outdoor advertising device for naming the
6 convention center facility, which may include the name
7 and brand of a public or a private entity, displayed
8 with the authorization of the Hawaii tourism
9 authority, in or on the convention center facility;
10 provided that an outdoor advertising device displayed
11 under this paragraph shall not contain moving images."

12 SECTION 5. Section 445-113, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§445-113 Regulation by counties.** Except for outdoor
15 advertising devices authorized under section 445-112(16) [~~and~~],
16 (17), (19), (20), (22), and (23), the several counties may adopt
17 ordinances regulating billboards and outdoor advertising devices
18 not prohibited by sections 445-111 to 445-121. The ordinances
19 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



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

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

17 (6) Provide for [~~such~~] other regulation of billboards and
18 outdoor advertising devices as will promote the public
19 health, welfare, safety, and convenience; encourage
20 and promote the tourist and visitor trade; conserve
21 and develop the natural beauty of the State, as well



1 as objects and places of historic and cultural
2 interest; foster sightliness and physical good order;
3 and promote the purposes and provisions of sections
4 445-111 to 445-121."

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

7 SECTION 7. This Act shall take effect on January 1, 2060.



Report Title:

Stadium Authority; Stadium Facility; Convention Center Facility;
Billboards; Advertising; Exemption; Naming Rights

Description:

Exempts billboards and outdoor advertising devices displayed with authorization of the Stadium Authority within the stadium facility, including outdoor advertising devices for naming the stadium facility under certain conditions. Exempts outdoor advertising devices displayed with authorization of the Hawaii Tourism Authority in or on the Convention Center facility, including outdoor advertising devices for naming the Convention Center facility under certain conditions. Exempts outdoor advertising devices for the stadium facility and the Convention Center facility from regulation by the counties, including outdoor advertising devices for naming the stadium facility and Convention Center facility. Takes effect 1/1/2060. (SD1)

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

