JAN 19 2023

A BILL FOR AN ACT

RELATING TO PUBLIC TRANSPORTATION.

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

- 1 SECTION 1. The legislature finds that revenues are needed
- 2 to operate and maintain the counties' mass transit systems. The
- 3 legislature notes that the counties have historically attempted
- 4 to meet these revenue needs by adding or increasing rider fares.
- 5 However, new fares and fare increases often place undue
- 6 financial burdens on mass transit riders. The legislature
- 7 therefore believes that adding or increasing mass transit fares
- 8 should be a last resort.
- 9 Accordingly, the purpose of this Act is to require the
- 10 counties to seek revenues from alternative sources, including
- 11 transit-based advertising, before imposing any new or increased
- 12 mass transit fare.
- 13 SECTION 2. Chapter 51, Hawaii Revised Statutes, is amended
- 14 by adding a new section to be appropriately designated and to
- 15 read as follows:
- 16 "§51- Fares; revenues; transit-based advertisements.
- 17 (a) Before a county establishes any new mass transit fare or



1	increases	any existing fare for a mass transit system authorized	
2	by this chapter, the county shall first assess whether the		
3	additional revenue sought from the proposed fare or fare		
4	increase may be obtained by alternative means, including		
5	transit-based advertisements.		
6	(b)	The county shall seek fair market compensation from	
7	governmental and nongovernmental entities, as applicable, for		
8	the display of paid advertisements displayed:		
9	(1)	On the interior of mass transit vehicles;	
10	(2)	On the exterior of mass transit vehicles; provided	
11		that the county may prohibit the placement of	
12		advertisements on the front exterior of vehicles; and	
13	(3)	At mass transit stops.	
14	(c)	Notwithstanding subsection (b), a county may:	
15	(1)	Establish reasonable restrictions on the placement,	
16		format, size, and material of transit-based	
17		advertisements to ensure the health and safety of	
18		passengers, operators, and the general public; and	
19	(2)	Prohibit any transit-based advertisement that:	
20		(A) Bears the name, signature, picture, or likeness	
21		of any elected federal, state, or city official	

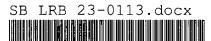
1		or any candidate for federal, state, or city
2		elective office;
3	<u>(B)</u>	Promotes or appeals to racial, religious, or
4		ethnic prejudice or violence by reason of the
5		advertisement's design, format, or subject
6		<pre>matter;</pre>
7	<u>(C)</u>	Contains obscene, lewd, lascivious, or indecent
8		pictures, words, or symbols;
9	<u>(D)</u>	Promotes any illegal, indecent, or immoral
10		purpose; or
11	<u>(E)</u>	Promotes any product or service that is
12		prohibited by law from being sold or offered for
13		sale to minors or an age-based subgroup of
14		minors.
15	(d) A co	unty that, after the assessment described in
16	subsection (a)	, determines that a new mass transit fare or fare
17	increase is ne	cessary shall submit a justification report to the
18	department of	transportation. The report shall include:
19	(1) The	amount and type of the proposed new mass transit
20	fare	or fare increase; and

1	(2)	A description of the county's efforts to raise	
2		revenues through alternative means, if any.	
3	<u>(e)</u>	Within thirty days from the receipt of a county's	
4	justifica	tion report under subsection (d), the department of	
5	transport	ation shall approve or reject the county's proposed new	
6	mass transit fare or fare increase. If the department of		
7	transportation:		
8	(1)	Rejects the proposed new fare or fare increase, the	
9		county shall not establish or increase the fare;	
10	(2)	Approves the proposed new fare or fare increase, the	
11		county may establish or increase the fare as provided	
12		by county ordinance; or	
13	<u>(3)</u>	Fails to submit a decision to the county within thirty	
14		days, the proposed new fare or fare increase shall be	
15		deemed approved.	
16	<u>(f)</u>	Mass transit fare revenues and revenues from	
17	transit-based advertisements shall be expended by a county only		
18	to operate and maintain the county's mass transit system."		
19	SECTION 3. New statutory material is underscored.		

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



Report Title:

Counties; HDOT; Mass Transit Fares; Fare Increases; Transit-Based Advertisements

Description:

Requires the counties, before implementing any new mass transit fare or increasing any existing fare to first seek revenues from alternative sources, including transit-based advertisements. Requires a county that decides, after seeking alternative revenue sources, to implement a new or increased mass transit fare to submit a justification report to the Department of Transportation. Requires the Department of Transportation to reject or approve the proposed new mass transit fare or fare increase within 30 days of receiving a county's justification report.

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