

JAN 18 2023

A BILL FOR AN ACT

RELATING TO OUTDOOR ADVERTISING DEVICES AND BILLBOARDS.

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

1 SECTION 1. The legislature finds that, occasionally,
2 amendments to statutes become necessary to clarify the intent of
3 the legislature. The legislature further finds that while
4 clarifying amendments are often technical, some amendments
5 include substantive elements that require independent, thorough
6 consideration, and are therefore not suitable for inclusion in
7 the annual revision bill setting forth statutes to which the
8 legislative reference bureau recommends non-substantive
9 clarifying amendments.

10 The purpose of this Act is to clarify the definitions of
11 the terms "billboards" and "outdoor advertising device" and the
12 acts included in the phrases "displaying an outdoor advertising
13 device" and "maintaining a billboard" as used in part V of
14 chapter 445, Hawaii Revised Statutes, which governs county
15 licenses for outdoor advertising.

16 SECTION 2. Section 445-111, Hawaii Revised Statutes, is
17 amended to read as follows:



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1 "§445-111 Definitions. As used in this [~~chapter~~] part:

2 ~~[(1) "Outdoor advertising device" means any device which~~
3 ~~is:~~

4 ~~(A) A writing, picture, painting, light, model,~~
5 ~~display, emblem, sign, or similar device situated~~
6 ~~outdoors, which is so designed that it draws the~~
7 ~~attention of persons in any public highway, park,~~
8 ~~or other public place to any property, services,~~
9 ~~entertainment, or amusement, bought, sold,~~
10 ~~rented, hired, offered, or otherwise traded in by~~
11 ~~any person, or to the place or person where or by~~
12 ~~whom such buying, selling, renting, hiring,~~
13 ~~offering, or other trading is carried on;~~

14 ~~(B) A sign, poster, notice, bill, or word or words in~~
15 ~~writing situated outdoors and so designed that it~~
16 ~~draws the attention of and is read by persons in~~
17 ~~any public highway, park, or other public place,~~
18 ~~or~~

19 ~~(C) A sign, writing, symbol, or emblem made of~~
20 ~~lights, or a device or design made of lights so~~
21 ~~designed that its primary function is not giving~~



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1 ~~light, which is situated outdoors and draws the~~
2 ~~attention of persons in any public highway, park~~
3 ~~or other public place.~~

4 (2)] "Billboard" [~~is~~] means any board, fence, or similar
5 structure, whether free-standing or supported by or placed
6 against any wall or structure [~~, which~~] that is designed or used
7 for the principal purpose of having outdoor advertising devices
8 placed, posted, or fastened upon it.

9 ~~[(3) Any person who, by oneself or through any agent or~~
10 ~~independent contractor, maintains or displays] "Displaying an~~
11 ~~outdoor advertising device" includes:~~

12 (1) Maintaining or displaying any outdoor advertising
13 device [~~, or any person who knowingly causes~~] by
14 oneself or through any agent or independent
15 contractor;

16 (2) Knowingly causing any outdoor advertising device
17 advertising [~~the person's~~] one's own products,
18 merchandise, or services to be displayed by oneself or
19 any agent or independent contractor; or

20 (3) In case of any person [~~who, being~~] in possession of
21 any land, building, or part of a building, [~~permits~~]



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1 permitting any outdoor advertising device on the land,
 2 building, or part of a building [~~, shall be deemed to~~
 3 ~~be displaying an outdoor advertising device]~~ .

4 [~~(4) Any person, who, by oneself or through any agent or~~
 5 ~~independent contractor, erects or maintains]~~ "Maintaining a
 6 billboard" includes:

7 (1) Erecting or maintaining a billboard, ~~or [places]~~
 8 placing any outdoor advertising device upon a
 9 billboard, [~~or any person who knowingly causes]~~ by
 10 oneself or through any agent or independent
 11 contractor;

12 (2) Knowingly causing any of [~~the person's]~~ one's own
 13 products, merchandise, or services to be advertised
 14 upon a billboard by oneself or through any agent or
 15 independent contractor; or

16 (3) In case of any person [~~who, being]~~ in possession of
 17 any land, building, or part of a building, knowingly
 18 [~~permits]~~ permitting a billboard to be erected or to
 19 remain on the land, building, or part of a building [~~,~~
 20 ~~shall be deemed to be maintaining a billboard]~~ .

21 "Outdoor advertising device" means any device that is:



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- 1 (1) A writing, picture, painting, light, model, display,
2 emblem, sign, or similar device situated outdoors,
3 that is designed in a manner that draws the attention
4 of persons in any public highway, park, or other
5 public place to any property, services, entertainment,
6 or amusement bought, sold, rented, hired, offered, or
7 otherwise traded in by any person, or to the place or
8 person where or by whom the buying, selling, renting,
9 hiring, offering, or other trading is carried on;
- 10 (2) A sign, poster, notice, bill, or word or words in
11 writing situated outdoors and designed in a manner
12 that draws the attention of and is read by persons in
13 any public highway, park, or other public place; or
- 14 (3) A sign, writing, symbol, or emblem made of lights, or
15 a device or design made of lights designed so that its
16 primary function is not giving light, and that is
17 situated outdoors and draws the attention of persons
18 in any public highway, park, or other public place."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____

Karl Rhoad



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Report Title:

County Licenses; Outdoor Advertising; Definitions

Description:

Clarifies the definitions of the terms "billboards" and "outdoor advertising device" and the acts included in the phrases "displaying an outdoor advertising device" and "maintaining a billboard" as used in state law that governs county licenses for outdoor advertising.

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