

## ACT 245

H.B. NO. 2786-86

A Bill for an Act Relating to the University of Hawaii.

*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:

- (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 or [regulation] 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 whether open to the public or not, or whether conducted for profit or not, and, including but 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 advertises property or services which 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 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 indicate places of natural beauty, or of historical or cultural interest, and are made according to designs approved by the department of planning and economic development.
- (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 planning and economic development.
- (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 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 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 8, 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 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.”

SECTION 2. Section 445-113, Hawaii Revised Statutes, is amended to read as follows:

“§445-113 Regulation by counties. [The] Except for outdoor advertising devices authorized under section 445-112(16) and (17), the several counties may adopt ordinances regulating billboards and outdoor advertising devices not prohibited by sections 445-111 to 445-121. The ordinances may:

- (1) Classify billboards and outdoor advertising devices in the classes set forth in section 445-112, or in any other reasonable manner of classification;
- (2) Regulate the size, manner of construction, color, illumination, location, and appearance of any class of billboard or outdoor advertising device;
- (3) Prohibit the erection or maintenance of any class of billboard or the displaying of outdoor advertising device in particular parts, or in all parts, of the county, provided[,] that the prohibition shall not apply to any official notice or sign described in section 445-112(1);
- (4) Control and license the business of making, erecting, posting, renting, and maintaining outdoor advertising devices and billboards as a business providing advertising for others, and require each person engaging in such business to obtain an annual license, the fee for which shall not exceed \$100. The license shall be conditioned upon the maintenance of all outdoor advertising devices and billboards in a safe state, and the observance of sections 445-111 to 445-121 and all applicable ordinances and shall be revocable by the licensing authority upon breach of such condition;
- (5) Require that no person, whether licensed under paragraph (4) or not, shall erect or maintain any billboard unless it is licensed by a permit issued by the county, the issuance of which permit shall be conditioned upon compliance with this chapter and all applicable ordinances and the payment to the county of an annual fee not to exceed \$25 per billboard; and
- (6) Provide for such other regulation of billboards and outdoor advertising devices as will promote the public health, welfare, safety, and convenience; encourage and promote the tourist and visitor trade; conserve and develop the natural beauty of the State, as well as objects and places of historic and cultural interest; foster sightliness and physical good order; and promote the purposes and provisions of sections 445-111 to 445-121.”

SECTION 3. The University of Hawaii shall submit to the legislature a report on the display of outdoor advertising devices in each stadium owned by the university. The report shall include, but not be limited to:

- (1) The criteria used to determine the content of outdoor advertising devices which have been or will be authorized by the university for display in each stadium; and
- (2) The size, manner of construction, material, color, illumination, location, appearance, and period of display of outdoor advertising

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devices which have been or will be authorized by the university for display in each stadium.

The report shall be submitted to the legislature prior to the convening of the Regular Session of 1987.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 28, 1986.)