

**ACT 115**

S.B. NO. 1209

A Bill for an Act Relating to Highways.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 264-101, Hawaii Revised Statutes, is amended to read as follows:

**“§264-101 Vending from highways prohibited.** (a) No person shall park or place a vehicle or structure wholly or partly on any highway for the purpose of selling the vehicle or structure or of selling therefrom or therein any article, service, or thing, thereby creating a hazardous condition or a public nuisance or in reckless disregard of the risk of creating a hazardous condition or public nuisance. The department of transportation may remove or require the immediate removal of the vehicle or structure from the highway.

(b) The director of transportation, in the case of state highways, may, upon application in writing, issue a written permit, subject to any terms and conditions imposed by the director, authorizing the applicant to vend in the air-space, as that term is defined in title 23 Code of Federal Regulations section 710.105, as amended, of the State’s interstate highway system.

~~(b)~~ (c) For the purposes of this section, “highway” means the entire width, including the berm or shoulder of a public highway as defined in section 264-1.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 14, 2013.)