

FEB 07 2013

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# A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

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

3 **"§264-101 Vending from highways prohibited.** (a) No  
4 person shall park or place a vehicle or structure wholly or  
5 partly on any highway for the purpose of selling the vehicle or  
6 structure or of selling therefrom or therein any article,  
7 service, or thing, thereby creating a hazardous condition or a  
8 public nuisance or in reckless disregard of the risk of creating  
9 a hazardous condition or public nuisance. The department of  
10 transportation may remove or require the immediate removal of  
11 the vehicle or structure from the highway.

12 (b) The director of transportation, in the case of state  
13 highways, may, upon application in writing, issue a written  
14 permit, subject to any terms and conditions imposed by the  
15 director, authorizing the applicant to vend in the airspace, as  
16 that term is defined in title 23 Code of Federal Regulations  
17 section 710.105, as amended, of the State's interstate highway  
18 system.



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

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 Statutory material to be repealed is bracketed  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

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

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**Report Title:**

Vending from Highways; Airspace

**Description:**

Authorizes the director of transportation, upon application, to issue a written permit authorizing the applicant to vend in the airspace above a highway. (SD1)

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



NEIL ABERCROMBIE  
GOVERNOR



Testimony of  
GLENN M. OKIMOTO  
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FORD N. FUCHIGAMI  
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**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
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IN REPLY REFER TO:

March 18, 2013  
10:45 a.m.  
State Capitol, Room 309

**S.B. 1209, SD 1**  
**RELATING TO HIGHWAYS**

House Committee on Transportation

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The Department of Transportation (DOT) **supports** this Administration bill as it will specifically address the types of vending activities that are prohibited on State highways by amending Section 264-101, Hawaii Revised Statutes. This bill will authorize the Director of Transportation through Federal Highways Administration approval to make exceptions to this section for certain activities only within the interstate airspace pursuant to a written permit, subject to terms and conditions that are in the best interest of the State. This amendment helps ensure legal provisions in the enforcement against unauthorized vending activities which are consistent with certain county ordinances.

Thank you for the opportunity to provide testimony.

