

**COUNCIL OF THE COUNTY OF MAUI**  
**INFRASTRUCTURE AND**  
**ENVIRONMENTAL MANAGEMENT**  
**COMMITTEE**

July 24, 2015

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure and Environmental Management Committee, having met on June 29, 2015, makes reference to County Communication 15-106, from Councilmember Elle Cochran, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.20.420, MAUI COUNTY CODE, RELATING TO VEHICLE WINDSHIELD REQUIREMENTS."

The purpose of the proposed bill is to allow the placement of signs, posters, and other nontransparent materials that do not obstruct the driver's view of the road or intersections on side wings, side windows, or rear windows of motor vehicles.

Your Committee notes Sections 286-25 and 286-26, Hawaii Revised Statutes, prohibit the operation of a motor vehicle that does not display a valid safety sticker, which is obtained after a safety inspection and must be renewed each year.

Your Committee further notes Chapter 133.2 of Title 19, Hawaii Administrative Rules, entitled "Periodic Inspection of Vehicles," adopted by the State Director of Transportation, provides that a safety sticker shall not be granted if decals or stickers are displayed on windows in areas not permitted by ordinance.

In addition, your Committee notes Section 10.20.420, Maui County Code, prohibits the display of decals or stickers of any size on vehicles' rear and side windows, and prohibits the display of decals or stickers exceeding 24 square inches on windshields.

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Members of your Committee have received complaints from constituents about the alleged undue difficulty of obtaining safety stickers. Since November 1, 2013, the Hawaii Administrative Rules has required authorized safety inspectors to take electronic photographs of inspected vehicles. This practice has apparently led to stricter enforcement in the inspection process.

Your Committee notes it is common practice for motor vehicles to have rear windows adorned with decals that convey various types of personal messages. After consulting with representatives of the Department of Police and Department of Finance, your Committee concluded the proposed bill would protect residents' right to free expression and constrain unwarranted regulation, while also ensuring public safety. While it is imperative for drivers to have unimpeded views of the roadway, it is also important to avoid government overreach.

Your Committee voted 5-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Cochran, Vice-Chair Hokama, and members Baisa, Carroll, and Crivello voted "aye." Committee members Guzman and White were excused.

Your Committee is in receipt of a revised proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE TO ALLOW SIGNS, POSTERS, AND OTHER NONTRANSPARENT MATERIALS ON VEHICLE WINDOWS," approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Infrastructure and Environmental Management Committee **RECOMMENDS** the following:

1. That Bill \_\_\_\_\_ (2015), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE TO ALLOW SIGNS, POSTERS, AND OTHER NONTRANSPARENT MATERIALS ON VEHICLE

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WINDOWS," be PASSED ON FIRST READING and be  
ORDERED TO PRINT; and

2. That County Communication 15-106 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of  
the Council.



ELLE COCHRAN, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2015)

A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE TO  
ALLOW SIGNS, POSTERS, AND OTHER NONTRANSPARENT  
MATERIALS ON VEHICLE WINDOWS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose and intent. The purpose of this ordinance is to permit a sign, poster, or other nontransparent material upon the side wings or side or rear windows of a motor vehicle, provided that the sign, poster, or other nontransparent material does not obstruct the driver's clear view of the highway or any intersecting highway.

SECTION 2. Section 10.20.420, Maui County Code, is amended to read as follows:

**"10.20.420 Windshields—Requirements.** A. [No person shall operate a motor vehicle upon any highway while same has attached to the windshield thereof, stickers or posters or opaque signs of any description exceeding twenty-four square inches in total area, or while it has attached to the rear window or windows thereof any sticker, poster or opaque sign of any description whatsoever. Signs or stickers when placed on the windshield shall be placed only in the lower right-hand corner.] No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the side wings, or side or rear windows of such vehicle that obstructs the driver's clear view of the highway or any intersecting highway.

B. Posters or stickers placed on the front windshield shall be placed only at the lower right-hand corner; however, such posters or stickers so placed shall not cover an area greater than four inches by six inches, except for non-residence permits or for military requirements, in which case an additional area of four-and-one-half inches by six inches may be used.

[B.] C. No person shall drive any motor vehicle with any nontransparent material or object suspended within the windshield area as viewed from the driver's seat, nor shall any person drive any motor vehicle upon the hood or radiator of which is attached any fixture or ornament of any material [which] that vibrates, swings, or flutters within view of the driver of the vehicle.

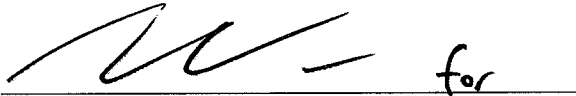
[C.] D. The windshield on every motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the operator of the vehicle.

[D.] E. Every windshield wiper upon a vehicle shall be maintained in good working order.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read 'M. Thomson', is written over a horizontal line. To the right of the signature, the word 'for' is written in a cursive script.

RICHELLE M. THOMSON  
Department of the Corporation Counsel  
County of Maui  
2014-3081