

REQUEST FOR LEGAL SERVICES

Date: May 5, 2026
From: Gabe Johnson, Chair
Agriculture, Diversification, Environment, and Public Transportation
Committee

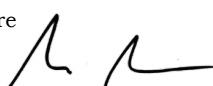
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Adrian Reifsnnyder, Esq.

Subject: BILL 13, CD1 (2026), ON ADVERTISING INSIDE COUNTY TRANSIT BUSES
(ADEPT-6)

Background Data: Please see attached revised Bill 13, CD1 (2026), which includes an amended title and new sections 2 and 4. Please submit your response to adept.committee@mauicounty.us with a reference to ADEPT-6.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Gabe Johnson, Chair	Contact Person <u>Ellen McKinley or Megan Moniz</u> (Telephone Extension: <u>7661 or 7145</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): _____
REASON: _____

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 5/11/26

By 

(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. **13, CD1** (2026)

A BILL FOR AN ORDINANCE AMENDING TITLE 11, MAUI COUNTY CODE, ON
COUNTY TRANSIT BUS ADVERTISING

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

SECTION 1. This Ordinance’s purpose is to amend the requirements for advertising inside County transit buses and on County bus passes.

SECTION 2. Section 11.01.010, Maui County Code, is amended to read as follows:

“11.01.010 Purpose and intent. [The] This title’s purpose and intent [of this title] is to regulate the public transit system for the County of Maui to provide reliable transportation services while protecting the health, safety, and welfare of the people, to prevent disturbances to nearby residences, and make County bus stops and transit facilities a safer environment for all County bus system users.

The display of advertising on the interior or exterior of County buses, at all County bus stops, transit facilities, or on County bus passes is intended [solely] to generate revenue incidental to the operation of the public transit system[; it]. It is not the County’s intent to allow or cause any of its buses or bus passes to become a public forum for the dissemination, debate [and/or], or discussion of public issues.”

SECTION 3. Section 11.02.040, Maui County Code, is amended to read as follows:

“11.02.040 Advertising inside County transit buses. A. The department may [rent or let] use advertising spaces inside County transit buses[,provided that the following types of advertising shall not be accepted:] to promote County-sponsored programs or events that the County is solely responsible for or is

supporting through a formal agreement that includes County funding.

B. Advertisements by other entities may be displayed inside County transit buses only if the advertiser pays the standard fee under subsection D and follows all requirements under Title 11.

C. Advertising inside County transit buses is prohibited if it does any of the following:

1. [Advertising that contains political or campaign speech.] Promotes or opposes a political party, political candidate, ballot measure, legislation, or otherwise constitutes electioneering or campaign-related advocacy.

2. [Advertising that, by reason of design, format, or subject matter, promotes] Promotes or appeals to racial, religious, or ethnic prejudice or violence[.] through its design, format, or subject matter.

3. [Advertising that contains] Contains obscene, illicit, or pornographic pictures, words, or symbols [of an obscene, illicit or pornographic character].

4. [Advertising that promotes] Promotes illegal activities.

5. [Advertising of any] Promotes a product or service that is prohibited by law to be sold or offered for sale to minors.

6. [Advertising that contains] Contains profanity, as defined in section 11.01.020, or depicts violence[.], including acts of physical assault, bloodshed, or threats of physical harm in a manner that is likely to shock or disturb a reasonable viewer.

7. [Advertising that contains] Contains false or misleading information, copyright or trademark infringement, or is otherwise unlawful.

8. [Any material that implies] Implies or declares an endorsement by the County of any service, product, or point of view, without prior written authorization by the department.

9. [Advertising that contains] Contains libelous speech.

10. [Advertising that is harmful to or disruptive to the transit system.] Substantially interferes with the safe, efficient, or orderly delivery of transit services.

11. [Advertising that emits] Emits lights, noise, or special effects.

[B. A tax-exempt organization shall not be denied the use of advertising space in a County transit bus solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the

event is not owned or operated by the tax-exempt organization. All such advertising shall be provided on a space available basis, in consideration of revenue generating advertisements described under subsection 11.02.040(C).

C.]D. Rates for renting or [letting of] leasing advertising spaces in County transit buses [shall] must be set [forth] in the annual budget. The department is authorized to enter into contracts for advertising with private vendors [provided that] if all procurement laws are met. [and in accordance with the following:] In addition:

1. The County's share of the revenues generated [shall] must be placed in the County highway fund.

2. An annual report of revenues received [shall] must be transmitted to the county council during the annual budget process.”

SECTION 4. Section 11.02.060, Maui County Code, is amended to read as follows:

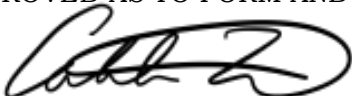
“11.02.060 Advertising on County bus passes. A. The department, through the department of finance, may allow advertisements on bus passes issued under the County bus system fare structure.

B. The types of advertising prohibited under [section] subsection [11.02.040(A) shall not be] 11.02.040(C) are not permitted on County bus system passes.”

SECTION 5. 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 6. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



CALEB P. ROWE

Department of the Corporation Counsel
County of Maui

adept:misc:006abill02:ebm

ADEPT Committee

From: Caleb P. Rowe <Caleb.Rowe@co.maui.hi.us>
Sent: Monday, May 11, 2026 1:47 PM
To: ADEPT Committee
Cc: June A. Pacubas; Megan K. Moniz; Ellen B. McKinley
Subject: ADEPT-6
Attachments: ADEPT-6 2026-05-05 RAFL Mckinley Bill 13 CD1 (2026) Amd Title 11 Transit Bus Advertising.pdf

Please see attached.