

STAND. COM. REP. NO.

2996

Honolulu, Hawaii

MAR 21 2006

RE: H.B. No. 2708
H.D. 2
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Transportation and Government Operations and Intergovernmental Affairs, to which was referred H.B. No. 2708, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ADVERTISING,"

beg leave to report as follows:

The purpose of this measure is to prohibit a person, for consideration, from operating or parking a vehicle or trailer carrying a vehicular advertising device for consideration or any other economic benefit.

Your Committees received testimony in support of this measure from the Sierra Club Hawaii Chapter, Conservation Council for Hawaii, Na Leo Pohai, and the Outdoor Circle. Testimony in opposition was received from the Hawaii Ship Agents Association. Comments were received from the Attorney General.

This measure is intended to address the situation of commercial billboard vehicles that roam the highways and streets with advertisements on the sides and back of the vehicle. These vehicles are for hire and the ads are not related to any business of the owner of those vehicles. Advertising in this fashion is the effective equivalent of moving billboards, which are restricted by chapter 445, Hawaii Revised Statutes. The majestic beauty and lovely scenery of Oahu is no less marred by mobile billboards and signage, which should also be prohibited.



Your Committees find that this measure does not regulate expressive speech or political advertising. However, your Committees are cognizant that any measure attempting to regulate advertising may be fraught with constitutional issues. The testimony of constitutional law Professor Jon M. Van Dyke of the William S. Richardson School of Law on behalf of The Outdoor Circle indicates that this measure will pass constitutional muster.


Your Committees have amended this measure by:

- (1) Deleting the definition of "person" which is defined in section 1-19, Hawaii Revised Statutes; and
- (2) Providing for a graduated monetary penalty for the first, second, and third offenses.

Your Committees defer to the discretion of the Committee on Judiciary and Hawaiian Affairs concerning the severity of the penalty. Your Committees believe that the penalty should serve as a deterrent.

As affirmed by the records of votes of the members of your Committees on Transportation and Government Operations and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2708, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2708, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Government Operations and
Intergovernmental Affairs,



DAVID Y. IGE, Chair



LORRAINE R. INOUE, Chair



