

STAND. COM. REP. NO.

2148

Honolulu, Hawaii

Feb. 16, 2006

RE: S.B. No. 2745

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 S.B. No. 2745 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 an advertising vehicle or trailer on any public street or highway or other public place, or on any private place that can be seen from a public place, unless the advertisement on the vehicle relates to the business for which the vehicle is used in the regular work of the vehicle's owner and the vehicle is not being used primarily for advertising.

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. Comments were received from the State 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 truck. 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 regulated 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 note 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 indicates that this measure will pass constitutional muster. Nonetheless, your Committees agree with the Attorney General that this measure needs further study and consideration and accordingly defers to the Committee on Judiciary and Hawaiian Affairs to consider this aspect of the measure further.

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 S.B. No. 2745 and recommend that it pass Second Reading 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



