

STAND. COM. REP. NO. 927

Honolulu, Hawaii

March 6, 2009

RE: H.B. No. 1417
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1417, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOBILE BILLBOARDS,"

begs leave to report as follows:

The purpose of this bill is to help preserve Hawaii's natural beauty by amending the restrictions on the use of mobile billboards to clarify that the exception only applies to self-identifying advertising used by businesses on their own vehicles and trailers used in the course of regular business operations.

Na Leo Pohai, public policy affiliate of The Outdoor Circle supported this bill. The State Attorney General (AG) provided comments.

Your Committee notes the AG's concerns and appreciates their efforts to provide analysis of this measure. Your Committee has also examined recent federal case law providing guidance on similar commercial expression restrictions, as well as similar restrictions in effect in other jurisdictions, and is satisfied that this measure would withstand a constitutional challenge. It is your Committee's view that this measure is specific and content-neutral in its restriction on expression.



Your Committee has amended this bill by:

- (1) Clarifying that the exception to the restriction imposed on mobile billboards is based on a two-part analysis; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1417, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1417, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


JON RIKI KARAMATSU, Chair



