

**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2009**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1417, H.D. 2, S.D. 1, RELATING TO MOBILE BILLBOARDS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

**DATE:** Thursday, April 2, 2009 **TIME:** 10:15 AM

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** WRITTEN TESTIMONY ONLY

(For further information, please contact Margaret S. Ahn,  
Deputy Attorney General, at 586-1188.)

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Chair Taniguchi and Members of the Committee:

The Department of the Attorney General provides these comments regarding a constitutional issue in this bill.

The House Committee on Judiciary stated in Standing Committee Report No. 927 that it is satisfied this measure would withstand a constitutional challenge. That is certainly possible. However, for your consideration, we respectfully provide your Committee with the following brief analysis.

As currently codified, section 445-112.5, Hawaii Revised Statutes, prohibits the operation or parking of vehicles or trailers carrying an advertising device for consideration, if the vehicle or trailer is used primarily to display an advertising device. In an effort to close a loophole which allows persons to place advertising devices on vehicles or trailers for compensation, as long as the vehicle or trailer is not used primarily to display the advertising device, this bill deletes the current statutory language, "if the vehicle or trailer is used primarily to display a vehicular advertising device." This deletion is unobjectionable and fulfills the measure's declared intent.

This bill further includes an exemption from the advertising-for-consideration prohibition for a vehicle or trailer that, (1) is

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regularly driven or moved as part of the day-to-day operations of a business; and (2) carries or displays an advertising device that relates to that business. To determine if an advertising device is prohibited under this measure, one would need to examine the content of the message to determine if it relates to the business for which the vehicle is being used. Therefore, this exemption potentially subjects this measure to a constitutional challenge under the First Amendment because it arguably creates an impermissible content-based regulation. Also, by allowing certain paid commercial advertising, this bill effectively discriminates against paid noncommercial speech.

In creating this exemption, the Legislature is presumably determining that the type of exempted speech--a business's paid-for advertising on a vehicle used in its day-to-day operations--is more important than the State's interests in traffic safety and aesthetics, or that with respect to this type of advertising, the State's interests should yield. In the case of Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 101 S. Ct. 2882 (1981), the United States Supreme Court examined a city ordinance which allowed onsite commercial advertising (a sign advertising goods or services available on the property where the sign is located), but which banned offsite advertising. The Supreme Court accepted the judgment of the city of San Diego that, unlike offsite commercial speech, the interest of onsite commercial speech is stronger than the city's interests in traffic safety and aesthetics. Id. at 512, 101 S. Ct. at 2895.

The Supreme Court in Metromedia, however, ultimately struck down San Diego's ordinance on First Amendment grounds, stating, "[a]lthough the city may distinguish between the relative value of different categories of commercial speech, the city does not have the same range of choice in the area of noncommercial speech to evaluate the strength of, or distinguish between, various communication interests." Id. at 514, 101 S. Ct. at 2896. The Court further stated:

The city does not explain how or why noncommercial billboards located in places where commercial billboards are permitted would be more threatening

to safe driving or would detract more from the beauty of the city. Insofar as the city tolerates billboards at all, it cannot choose to limit their content to commercial messages; the city may not conclude that the communication of commercial information concerning goods and services connected with a particular site is of greater value than the communication of noncommercial messages. Id. at 513, 101 S. Ct. at 2895.

Applying the rationale in the Metromedia case, this bill is vulnerable to a similar ruling because exempting paid commercial vehicular advertising that relates to the business for which the vehicle is being used leaves the prohibition in place for most paid noncommercial advertising. While it is true that under this measure, a political candidate could pay to advertise her candidacy on a vehicle that is used in the day-to-day operations of her campaign, that same candidate, or anyone else for that matter, could not pay to display a noncommercial message without there being a business for which the vehicle operates on a day-to-day basis and which relates to the content of the noncommercial message. This measure thus clearly allows some commercial speech while disallowing much noncommercial speech, in potential violation of the above quotation from Metromedia.

Some courts in other jurisdictions have upheld *seemingly similar* language, but such language may be distinguished from that of this measure. The 11<sup>th</sup> Circuit Court of Appeals, in the case of Supersign of Boca Raton, Inc. v. City of Fort Lauderdale, 766 F.2d 1528 (11th Cir. 1985), upheld a city ordinance which banned "advertising vehicles or watercraft...designed or used for the primary purpose of displaying advertisements," but which exempted:

Any vehicle or watercraft which displays an advertisement or business notice of its owner, so long as such vehicle or craft is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements.

However, in that case, the court construed the language of the ordinance to regulate commercial speech only and reiterated the common

rule, "commercial speech does not receive the same degree of constitutional protection as other forms of constitutionally guaranteed expression, and the former may be forbidden and regulated in situations where the latter may not be." Id. at 1530.

In the case of Showing Animals Respect and Kindness v. City of West Hollywood, 166 Cal. App. 4th 815 (2008), the court upheld an ordinance banning mobile billboard advertising. The ordinance read in relevant part:

Mobile billboard advertising includes any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising.

This section shall not apply to any vehicle which displays an advertisement or business identification of its owner so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements.

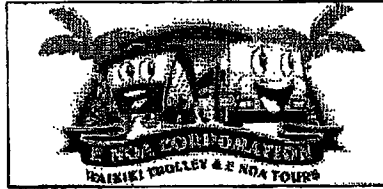
The court and the City of West Hollywood agreed that the ordinance applied to both commercial and noncommercial speech. In upholding the ordinance, however, the court focused on the ordinance's language, "so long as such vehicle is . . . not used merely, mainly or primarily to display advertisements," to conclude that the ordinance was not content-based. The court stated, the "business identification provision is not an 'exemption' in the sense that a vehicle displaying an advertisement of its owner would otherwise violate the ordinance . . . a vehicle bearing an advertisement or business identification of its owner does not violate the ordinance. But the vehicle does violate the ordinance if the vehicle is driven 'merely, mainly or primarily to display advertisements.'" Id. at 822. The court essentially concluded that to determine a violation of the ordinance, one would look at whether the vehicle was used for the primary purpose of advertising, and not at the content of the advertising.

This rationale would not apply to this bill, because the subject of this bill's prohibition on mobile billboards is not vehicles used

primarily to display advertisements, but rather vehicles carrying or displaying an advertising device for consideration. Therefore, the exemption for vehicles carrying or displaying an advertising device that relates to a business is just that, an exemption to a law that would otherwise prohibit the paid business-related advertising. It would be difficult to determine a violation under this measure in any way other than to examine the content of the advertising message to see if it relates to the business for which the vehicle is being used.

Based on the foregoing, we believe this bill remains vulnerable to a constitutional challenge. Therefore, we respectfully recommend that the exemption discussed above and contained on page 2, lines 12 to 17, of the bill be deleted. Further, to make the bill's purpose section consistent with the recommended amendment, we suggest deleting the second sentence of section 1 of the bill, which reads:

This Act does not prohibit vehicles from displaying advertising, provided that the vehicle is regularly used in the operations of the business to which the advertising relates.



*"The Tour and Trolley People"*

March 31, 2009

The Honorable Senator Brian Taniguchi  
 And Committee Members  
 Senate Committee on the Judiciary and Government Operations  
 State Capitol, Decision Making Hearing  
 April 2, 2009, 10:15 a.m., Conference Room 016

Re: Request for Amendment to HB 1417 HD2 SD1;

Chair Taniguchi, Vice Chair Takamine and Members of the Committee

We would like to thank you and your committee for the opportunity to convey our concerns regarding H.B. 1417 HD2 SD1, relating to mobile billboards and its negative impact on our company and other allied local businesses who rely on marketing to promote their business. While experts may disagree on how to fix the ailing economy, no one can deny that businesses need customer traffic to survive, and not additional challenges or obstacles if they are to weather this economic down-turn market.

Hawai'i's economy continues to experience further tourism and employment decreases in 2009 with no significant relief in the foreseeable future. Visitor arrivals declined nearly 20 percent in 2008, with E Noa and many other local businesses continuing to struggle with diminished revenues coupled with increased operating expenses in 2009. Advertising is one venue that assists local companies in promoting and marketing their businesses which provide local employment and contribute tax revenues to the State's coffers.

In this economic climate, if the branding were to be removed from the trolleys, the businesses working with E Noa would be severely impacted. This could be fatal for many local businesses in the present financial environment. Customers are needed more than ever to help businesses cross the immediate great economic divide that is threatening to both individuals and businesses. At this time we should synergically focus on a collaborative and supportive effort that supports our local businesses and the people that they employ.

Placing a company's brand on Waikiki Trolley is first and foremost a great help to the businesses of Hawai'i because E Noa's primary purpose is to *carry people* directly to a business. The tourists do not have to determine the name and location of the business and then get there on their own; they are taken there. It has always been of paramount importance to E Noa to work with and for the growth and support of the businesses in Hawai'i.

Following-up on our discussion, we respectfully request your review and consideration of the following proposed amendment which is sensitive to visual aesthetics and takes into consideration the concerns of organizations such as the Outdoor Circle who we are working with as it relates to the proliferation of billboards in Hawai'i.

*E Noa Corporation is a member of the following organizations:*



For clarification purposes, we propose the following amendment:

*Section 2. Section 445-112.5, Hawaii Revised Statutes, is amended as follows: ; provided that this prohibition shall not apply to a vehicle or trailer that:*

By adding subsection (1) to read:


*[ " provided that day-to-day operations include advertising that is directly limited to and directly related to an engaged passenger vehicle's service route or contracted customer service business, including scheduled special events and parades." ]*

By adding subsection (2) to read:

*[ "or as stated in paragraph (1)."]*

Should you have any questions and/or need for any information as well as discussions, I will be most pleased and amenable to provide you such. ( [ktanaka2222@hotmail.com](mailto:ktanaka2222@hotmail.com) 478-2222)  
*Mahalo mui loa*

Respectfully,

  
Katsumi Tanaka  
CEO

*E Noa Corporation is a member of the following organizations:*



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**From:** rawcohi@cs.com  
**Sent:** Wednesday, April 01, 2009 11:41 AM  
**To:** JGO Testimony  
**Subject:** HB1417, HD2, SD1 with suggested SD2

**TESTIMONY IN SUPPORT OF A PROPOSED AMENDMENT TO HB 1417, HD2, SD1**

*Senate Committee on Judiciary*

*In Room 016 on Thursday, 2 April 2009 at 1015*

*Chair Taniguchi and Respected Members of the Committee;*

*This bill as written will prevent us from recognizing the company for whom we are carrying passengers to a particular destination or activity. It also will prevent us from easily identifying the vehicle by product for the passengers to find in the crowd at some of the larger attractions that we serve, not only at the pickup point, but after an activity in the press of departure crowding, finding your return vehicle can be very stressful. In order to fix this and still achieve the primary goal of this bill we agree to the following proposed amendment and with this amendment in place, we support this bill.*

*Section 2. Section 445-112.5, Hawaii Revised Statutes, is amended as follows: ; provided that this prohibition shall not apply to a vehicle or trailer that:*

By adding subsection (1) to read:

*[ “ provided that day-to-day operations include advertising that is directly limited to and directly related to an engaged passenger vehicle’s service route or contracted customer service business, including scheduled special events and parades.” ]*

By adding subsection (2) to read:

*[ “or as stated in paragraph (1).” ]*

***For Star of Honolulu Tours and Attractions***

***Reg White  
Vice president, project development  
1540 S. King St.  
Honolulu, Hawaii, 96826-1919  
(808) 222-9794  
RawcoHI@cs.com***

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**Testimony of Bob Loy**  
**In strong support of HB1417 HD2 SD1**  
**For Na Leo Pohai—Public Policy Affiliate of The Outdoor Circle**  
**Senate Committee on the Judiciary and Government Operations**  
**April 2, 2009**

In 1927, at a time when huge advertisements literally lined the main thoroughfares of Honolulu, the Territorial Legislature created one of the most valuable and enduring laws in the history of our islands.... it banned billboards.

I'm sure all of you have been to the mainland and seen first hand how these outrageously large advertisements by the hundreds and thousands.... line the freeways— of nearly every city. Your wise predecessors had the vision to see that this type of advertising and the unique, unparalleled beauty of Hawaii simply cannot coexist.

Over the years, through the great depression and the hard times that have come and gone the billboard ban has remained. And when advertisers devised alternative ways to display their huge signs Hawaii's leaders have always answered the call by taking decisive action to protect the fragile beauty of our home. First, when advertisers wanted to take their billboards into the sky, aerial advertising was prohibited. Then when sophisticated billboard trucks invaded the islands—they too were banned.

But unfortunately that law only banned vehicles whose sole purpose is to display advertising. That left a loophole that is now bringing another type of mobile billboards to Hawaii. This picture shows a local beverage distribution company truck on Oahu that is displaying large billboards for Magic Johnson and Tax Busters. On the Big Island the same company has displayed billboards for Sports Authority and it has other trucks in the other counties. The billboards are provided by a mainland advertising company which specializes in what is called "truckside billboards." These 18 to 24 foot signs have the ability to turn our roadways into a constant eyesore....and create the kind of distractions and diversions that will make Hawaii's roads even more dangerous than they already are.

This mainland company's marketing materials provide a stronger argument for this scenario than I could ever create: "These truckside billboard ads ride above the traffic lanes and they can't be tuned out or turned off." The billboards are: "...unobstructed and guaranteed to grab customer attention." "As more regions ban billboards, look to mobile billboards to deliver your message."

This assault on the beauty of Hawaii and the safety hazard these billboards create for our motorists can be eliminated by passing HB1417 HD2 SD1.

Locally a few other companies also display large advertisements on vehicles that create similar problems in the same way as the truckside billboards. Most notable are numerous trolleys that display temporary banners and other advertising. The advertisers, mostly large corporations located outside Hawaii, pay to have their banners carried throughout Honolulu and for the trolleys to bring customers to their stores. Trolley advertising creates a steady source of complaints by the public who call The Outdoor Circle for help. But we have to tell them that while these banners would be illegal if hung from any building in any county in the state, because the laws do not include signs on vehicles, nothing can be done to stop it.

HB1417 HD2 SD1 will close the loopholes that allow these two unacceptable forms of advertising to exist. Simply put, it allows all businesses to display their vehicles company names, logos, images of its products—virtually anything related to the company’s business. It prohibits that same business from being paid to display signs for unrelated businesses or products. In other words, under this law, the Frito-Lay truck could display a big bag of potato chips, but could not sell advertising space on its trucks to Pepsi.

We strongly urge this committee to take action to protect public safety and to continue to protect the visual environment of our islands. In banning billboard trucks three years ago, the legislature nipped in the bud an outdoor advertising industry that now runs rampant on the mainland. Truckside billboards are the next wave of inappropriate advertising that must be stopped at our shores before they become so big, pervasive and entrenched that we will never be rid of them.

The people are our greatest resource....the beauty of the Hawaii—our greatest treasure. By passing HB1417 HD2 SD1 you have the great opportunity to both protect the safety our people and preserve the magnificence of our islands for future generations.

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**From:** Conklin Nakamura (Waikele) [cnakamura@CPGI.com]  
**Sent:** Wednesday, April 01, 2009 3:01 PM  
**To:** JGO Testimony  
**Subject:** Amendment of House Bill 1417 HD2 SD1

Measure: Amendment of House Bill 1417 HD2 SD1  
Hearing Date: Thursday, April 2, 2009  
Time: 10:15 a.m.

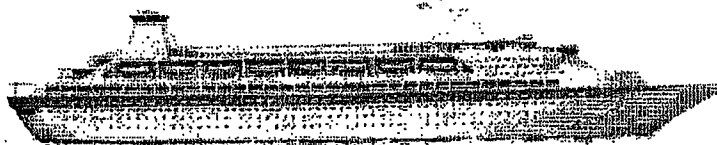
Waikele Premium Outlets is owned by Chelsea Property Group, a company that prides itself on stringent sign policies as evidenced by signs displayed in the common areas of our shopping mall and by regulating signs on every storefront on property. Chelsea does not condone inappropriate advertising and does not allow its name to appear on anything tacky, shabby or otherwise unsightly.

To our visitors from abroad, especially from Japan and countries of the Orient, Waikele Premium Outlets, thankfully, is a "must stop to shop" location. But, because the majority of tourists find lodging in Waikiki, 15 miles away, it is imperative for our merchants to communicate with them to advertise products and promotions. For this purpose, we rely on advertising on E Noa's passenger-carrying vehicles. It is undoubtedly the most effective as well as cost-efficient method of getting the word out. E Noa has assisted us in this endeavor with placards on its trolleys for more than a decade and the longevity attests to the success of the program.

The current mode of advertising is definitely a positive factor in trying to send our message to prospective shoppers and we humbly ask you, especially during these trying times, to allow this practice to continue.

Thank you very much.

**Conklin Y. Nakamura**  
Assistant General Manager  
**Waikele Premium Outlets®**  
94-790 Lumiaina Street, Suite #100  
Waipahu, HI 96797  
Phone (808) 676-5656 X5953  
Fax (808) 676-9700  
[www.premiumoutlets.com/waikele](http://www.premiumoutlets.com/waikele)  
A SIMON Company  
*Gift Cards available on-site and online.*



***Hawai'i Ship Agents Association***

***Pier 32, Honolulu Harbor***

***Honolulu, Hawai'i, 96817-4558***

***April 2, 2009***

**COMMITTEE ON THE JUDICIARY AND GOVERNMENT OPERATIONS**

Chair Brian Taniguchi; Vice Chair Dwight Takamine, and Committee Members  
Public Hearing, April 2, 2009, 10:15 a.m. Conference Room 016

**TESTIMONY OF WILLIAM F. ANONSEN, PRESIDENT**

**HAWAI'I SHIP AGENTS ASSOCIATION**

**CONCERNS REGARDING H.B. 1417 HD2 SD1**

Report Title: Advertising; Mobile Billboards; Prohibition

My name is William Anonsen; I am the president of the Hawai'i Ship Agents Association and am submitting this testimony on behalf of our membership. Although we support the admirable and desired intent of HB1417 HD2 SD1, we have some concerns regarding the bill as currently written.


We are especially concerned about the possible ramifications as it relates to restrictions placed on drayage companies, personnel transport carriers and ancillary support service providers operating at the State's critical commercial harbors and commerce distribution centers. We are pleased to work with all parties on an amenable amendment to the bill.

Some of the areas of concern are:

- 1.) The bill would make it legal under the proposed law if the signage was on a business owned vehicle, but illegal on a leased/chartered vehicle even though the visual effect would be exactly the same in both instances. This serves as unequal treatment of a vehicle by virtue of its operation; an owner of a vehicle carrying another company's advertising on their vehicle would not cause any greater distraction to motorists that if the identical signage was on their own vehicle.
- 2.) It would be unlawful for a subcontractor or transportation jobber who is providing a contracted service to a business other than their own to have signage of that service/business on their vehicle. (i.e. Island Movers & Sears, Garlow Petroleum & Chevron, Polynesian Adventures & Polynesian Cultural Center, etc.)
- 3.) A sign whose purpose is to indicate the destination of a vehicle would appear to be unlawful under this proposed bill, if the company representing the destination had provided compensation or any other economic benefit to the owner of the vehicle.
- 4.) Clarification on standards and how regulations would be enforced.

*Mahalo for the opportunity to offer this testimony on this measure.*

Respectfully,

  
William F. Anonsen  
President

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 01, 2009 12:37 AM  
**To:** JGO Testimony  
**Cc:** EWBEN56@hawaii.rr.com  
**Subject:** Testimony for HB1417 on 4/2/2009 10:15:00 AM

Testimony for JGO 4/2/2009 10:15:00 AM HB1417

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Win Bennett  
Organization: Individual  
Address: 436 Iliaina Street Kailua Hawaii  
Phone: 808 254 2048  
E-mail: [EWBEN56@hawaii.rr.com](mailto:EWBEN56@hawaii.rr.com)  
Submitted on: 4/1/2009

**Comments:**

Dear Senator Taniguchi and Judiciary committee Members:

Your support in passing of HB1417 HD 2 SD to be heard on april 2, 2009 in Conference Room 016 at the Capitol is requested in order to preserve the ambiance that is what makes Hawaii a desirable place to be.

Thank you for your effort in this endeavor!

Win Bennett

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 31, 2009 8:56 PM  
**To:** JGO Testimony  
**Cc:** mcurtis@hawaii.rr.com  
**Subject:** Testimony for HB1417 on 4/2/2009 10:15:00 AM

Testimony for JGO 4/2/2009 10:15:00 AM HB1417

Conference room: 016  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Mike Curtis  
Organization: Individual  
Address: 1829 Bertram Street Honolulu, HI  
Phone: 808-292-6862  
E-mail: [mcurtis@hawaii.rr.com](mailto:mcurtis@hawaii.rr.com)  
Submitted on: 3/31/2009

Comments:  
Regarding HB 1417 HD 2, SD 1

I strongly support HB 1417 and maintaining all of the proposed restrictions on mobile advertising. Further, I strongly support The Outdoor Circle's efforts to maintain the beauty of Hawaii and do not want to see it compromised by inappropriate advertising on vehicles.

Please resist the efforts of those businesses trying to influence you to modify the bill to exempt advertising on trolleys. The result of such an exemption could be unregulated advertising on all vehicles and is completely unacceptable.

Stand firm on this issue and support HB 1417!

Respectfully,

Mike Curtis

TESTIMONY IN SUPPORT OF HB 1417

TO: The Honorable Senator Taniguchi, Chair  
The Honorable Members of the Judiciary and Government Operations  
Committee

FROM: Lois-ellin Datta, Ph.D.

DATE: March 30, 2009

Honorable Chairman and Honorable Members of the Judiciary and Government Operations Committee, thank you for your work on behalf of the people of Hawaii.

This statement supports HB 1417, which would prohibit truck side billboards.

My reasons for requesting your approval of this bill are economic, aesthetic, and on behalf of our children. More specifically,

--Hawaii is attractive to visitors because of our scenic beauty and unique ecosystems. A highly significant part of this natural beauty is the absence of "uglification" such as the intrusive signage and billboards. Hawaii has benefited economically from investments in beautification, and we have benefited economically from prohibitions against excessive signage. Permitting our streets to be polluted with rolling billboards would be uglification, when we need investments in beautification.

In my view, the revenues possibly gained through taxes on possibly higher sales by certain companies would be much lower than the revenues we definitely gain by visitors to our beautiful islands.

--We live here too. Ugly spaces, research has shown, can make for ugly actions and increase stress. Beautiful spaces, research has shown, have beneficial and calming effects. We need to do everything we can to increase beauty, to avoid increasing stresses, and to maintain and improve our quality of life. Rolling billboards are ugly and stressful, benefiting perhaps a few companies selling space and injuring thousands of us who have to see these billboards.

--It is pono for us to give our keiki as future as good as we can make it for them, and a land as beautiful as we ourselves were given. Step-by-small-step, this future can be assaulted and whittled away. Please take a stand in favor for HB 1417 as a part of our responsibility to our children.

Thank you for your consideration and I hope you will support HB 1417.

It is with great trepidation that I learn of the possibility that HB1417 is in jeopardy of not passing. Surely our State legislature is aware of the visual blight of huge trucks and, possibly, visitor trolleys traveling around our once-beautiful state with glaring and unsightly advertising on each side of their vehicles.

Each year the problem has become more flagrant, more of an eyesore - and yet, it has crept in and grown like a deadly virus. Our State House of Representatives now has an opportunity to look beyond the lure of a few advertising dollars and take a stand against the possibility of the type of mobile advertising that's presently on the table.

Let the Pepsi truck advertise their Pepsi and the Fritos truck their Fritos - and the trolleys their particular destinations. But to see a trolley full of happy tourists, advertising anything else, completely takes away from the visual attraction that the trolley once represented.

HB1417 should not be modified to allow special interests to bend the rules or change anything that might add any more commercial glare to our island roads. I urge you to pass this legislation accordingly.

Marilyn Martinson  
North Shore Outdoor Circle



For many years The Outdoor Circle has fought against mobile advertising - with moderate success. Now with the economic climate being soft, the opportunity for advertisers to pull out the stops becomes very possible. Not only are we aware of their plight but we've become very lenient. If this is okay, how do we bring it under control when we want to?

We cannot allow this type of advertising to take hold. When that happens we have no control over the types of ads that are made public - and the blight of our State will be out of control.

There are few places in the U.S. where advertisers do not hold an enormous influence on the industry. We must not lose the objectivity we have over our Islands' beauty.

Please vote **against** mobile advertising by voting **for** HB1417.

Patsy Gibson  
North Shore Outdoor Circle

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**From:** Richard Frazier [rwf@rwf.net]  
**Sent:** Wednesday, April 01, 2009 11:13 AM  
**To:** JGO Testimony  
**Subject:** HB 1417 2 Apr 10:15AM Room 016

Hearing: HB 1417

Thur April 2, 10:15 AM Room 016

Senators:

Word of this bill just reached us today in Tolleson, Arizona.

Please understand that one of the important reasons for our regular visits to Hawaii is because of its unique beauty. Here in Arizona we put up with the jarring and ugly sight of all sorts of oversize advertising including mobile displays. We really notice and appreciate the absence of all that from the moment we step off the plane in Honolulu.

Stopping the mobile advertising is really important. I understand, however, that you are now considering allowing a "toe in the door" exception to this bill. It makes no difference which special interest is given this right, the mobile advertising would still be there and that would be grossly evident to those of us who come to escape that sort of thing.

Please protect the fragile beauty of Hawaii.

Richard W. Frazier  
P. O. Box 1038  
Tolleson, AZ 85353

[rwf@rwf.net](mailto:rwf@rwf.net)

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 01, 2009 11:40 AM  
**To:** JGO Testimony  
**Cc:** honolulususan@yahoo.com  
**Subject:** Testimony for HB1417 on 4/2/2009 10:15:00 AM

Testimony for JGO 4/2/2009 10:15:00 AM HB1417

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Susan R.S. Schofield  
Organization: Individual  
Address:  
Phone:  
E-mail: [honolulususan@yahoo.com](mailto:honolulususan@yahoo.com)  
Submitted on: 4/1/2009

**Comments:**

Thank you for the opportunity to testify on behalf of this legislation. I believe the beauty of Hawaii is being compromised by the kind of billboards and other inappropriate advertising that is currently allowed on vehicles. I am afraid that allowing paid advertising to be placed on cars, buses and trucks will be just the tip of the iceberg if the practice is not curtailed.

Please pass this legislation which closes the loophole in the mobile billboard law that currently allows for some paid advertising on vehicles. I'm sure you agree that the splendor of our islands must be protected.

I strongly urge you to pass this legislation without further amendments.

Susan R.S. Schofield

Testimony for consideration by the Senate Committee on Judiciary and Government Relations re: HB1417 HD2 SD1. RELATING TO MOBILE BILLBOARDS.

Chairman Tanguchi, Vice Chair Takamine and Committee Members.

The preamble of this bill sets forth that "The State has a substantial interest in traffic safety and aesthetics, and fulfilling the responsibility in article XI, section 1, of the Hawaii Constitution, which states, "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources . . . ." It further proposes to close loopholes allowing mobile billboards, provided that this prohibition shall not apply to a vehicle or trailer that:

- (1) Is regularly driven or moved as part of the day-to-day operations of a business; and
- (2) Carries or displays an advertising device that relates to that business.

So exactly what loophole is addressed? (Advertising for a business on the vehicles operated by that business is still advertising and is still distracting.) Prohibiting advertising for others is a major step, but again is subject to interpretation. Which government agency will monitor compliance?

I support the position taken by the Outdoor Circle. This legislation appears to be just another loophole, requiring another fix.

Thank you for this opportunity to make my position clear.

Twylla-Dawn Steer  
618 Paopua Loop  
Kailua, Hawaii 96734  
1 April 2009

Testimony for JGO 4/2/2009 10:15:00 AM HB1417

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Noe Sugata  
Organization: Individual  
Address: 45-523 Pahia Rd Kanoeh, HI  
Phone: 808-542-5819  
E-mail: [sugata@hawaii.edu](mailto:sugata@hawaii.edu)  
Submitted on: 4/1/2009

Comments:

Thank you for the opportunity to testify on behalf of this legislation. I believe the beauty of Hawaii is being compromised by the kind of billboards and other inappropriate advertising that is currently allowed on vehicles. I am afraid that allowing paid advertising to be placed on cars, buses and trucks will be just the tip of the iceberg if the practice is not curtailed.

Please pass this legislation which closes the loophole in the mobile billboard law that currently allows for some paid advertising on vehicles. I'm sure you agree that the splendor of our islands must be protected.

I strongly urge you to pass this legislation without further amendments.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, April 01, 2009 4:42 PM  
**To:** JGO Testimony  
**Cc:** aloha.susan@hawaiiantel.net  
**Subject:** Testimony for HB1417 on 4/2/2009 10:15:00 AM

Testimony for JGO 4/2/2009 10:15:00 AM HB1417

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Susan Cummiings  
Organization: Individual  
Address: 137 Kaiolena Drive Kailua, Hawaii  
Phone: 808-2622-2238  
E-mail: [aloha.susan@hawaiiantel.net](mailto:aloha.susan@hawaiiantel.net)  
Submitted on: 4/1/2009

**Comments:**

Please support the Outdoor Circle's efforts by not allowing the beauty of Hawaii to be compromised with inappropriate advertising on any kind of vehicles.

Post-It® Fax Note	7671	Date	4/1/09	# of pages	1
To	Sen. Brian	From	Dorothy Boyd		
Co./Dept.	Taniguchi	Co.			
Phone #		Phone #			
Fax #	586-6461	Fax #			

April 1, 2009

Senator Brian Taniguchi  
 Chair, the Senate Committee on the Judiciary and Government Operations  
 Hawaii State Capitol, Room 219,  
 415 South Beretania Street  
 Honolulu, HI 96813

**RE: In strong support of HB1417 HD2 SD1**  
**Senate Committee on the Judiciary and Government Operations**  
**April 2, 2009 Conference Room 016 @ 10:15 AM**

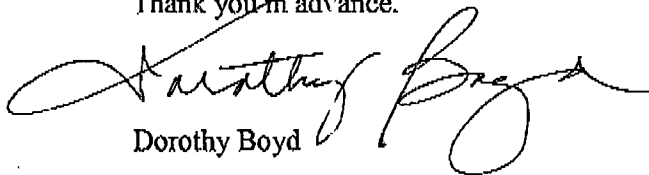
Aloha Chairman Taniguchi and Committee Members:

My name is Dorothy Boyd and I am in strong support of HB1417 HD2 SD1. I believe the beauty of Hawaii is being compromised by the kind of billboards and other inappropriate advertising that this legislation is designed to curtail.

I'm sure you all agree that the splendor of our islands must be protected. Please don't allow the views of a select few to trump the need to preserve Hawaii's beauty. Its time to take a stand for what the people know is right. I strongly urge you to vote yes on this legislation without further amendments.

Although the global community currently is experiencing financial challenges and the need to "stimulate" the economy is necessary, we must not lose sight of the fact that we only have one chance to preserve this facet of Hawaii's unique and precious scenic environment. Hawaii laws banning billboards go as far back as 1927. The intent of the law was to protect against these very forms of advertising. Please uphold the intent of the law that our predecessors found necessary to write into Hawaii law.

Thank you in advance.



Dorothy Boyd