

February 12, 2009

The Honorable Senator Brian Taniguchi
And Committee Members
Committee on Commerce and Consumer Protection
Hawai'i State Capitol
Honolulu, HI 96813

RE: Support for SB1091 SD1 Relating to Mobile Billboards

Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

Thank you for this opportunity to present testimony on SB1091 SD1 on behalf of Na Leo Pohai, the public policy affiliate of The Outdoor Circle.

This legislation will close a loophole left by the successful passage of the 2006 Vehicular Advertising law. The 2006 law supports the 82 year old ban on billboards in Hawai'i by prohibiting so-called billboard trucks from operating in our state.

However, the advertising industry has found another way to get around our laws. This time the issue involves Hawaii companies that sell space on their own vehicles to advertisers who, for a substantial fee, are allowed to place huge signs and banners on vehicles. These same signs would be illegal if they were posted almost anywhere else in our state such as on buildings, or along the roadside. But because the advertising is placed on vehicles that are not exclusively billboard trucks, there is no violation of the law.

Another, possibly even more alarming circumstance exists with mainland advertising companies who are paying owners of vehicle fleets in Hawaii to place large billboards on their vehicles. Again, because the vehicles are not primarily used for displaying advertising, the signs are not illegal and are being displayed as we speak on the roadways of our state.

Yet another form of vehicle advertising that has slipped through the cracks is advertising posted on vehicles and parked on the side of the road to attract customers. We see a lot of this on Oahu's North Shore—particularly with the shrimp truck industry. SB1091 SD1 would make these signs illegal unless the vehicle owner could prove that the vehicle is used as a regular part of the business being advertised.

To be clear, SB1091 SD1 would not infringe on the practice of businesses advertising their own companies or products on their own vehicles that are used to conduct their business. Frito-Lay, for example, would still be able to have a big bag of potato chips on the side of its trucks, but it could not also sell advertising space on its trucks to Pepsi.

We believe this simple change in Hawaii's law will reap statewide benefits by closing the loophole that enables some companies to skirt the laws designed to reduce billboards and other inappropriate advertising in our islands. It also helps level the playing field for the vast majority of business who understand that this type of advertising is a detriment to our state and the quality of life of our residents.

Hawai'i is a national leader in protecting the beauty of its state against the proliferation of commercial advertising. We are one of only four states that prohibits billboards—and has done so since the billboard ban was passed in 1927 by the Territorial Legislature. Our constitution requires that the fragile and invaluable beauty of our state be protected and this legislation will help fulfill that obligation while preventing our communities from further degradation by inappropriate advertising.

We urge you to pass this legislation, in the best interest of our people and our beautiful state.

Bob Loy
Director of Environmental Programs
The Outdoor Circle