

Honolulu, Hawaii

MAR 25 2009

RE: H.B. No. 1417
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1417, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit the placement of paid, third-party advertisements on vehicles and trailers.

Your Committee received testimony in support of this measure from The Outdoor Circle and Na Leo Pohai. Testimony with comments was received from the Department of the Attorney General. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the current law allows advertisers to place signs and advertisements on vehicles when these same signs and advertisements would be prohibited if they were posted anywhere else, such as on a building or along the roadside. These vehicles function as billboards when they are driven or parked on the side of the road. Your Committee notes that this measure does not apply to vehicles or trailers that display advertisements for the business for which the vehicle or trailer is actually used.

Your Committee notes the concerns related to First Amendment rights as applied to commercial speech raised by the Department of the Attorney General. Your Committee respectfully requests that the Committee on Judiciary and Government Operations apply its



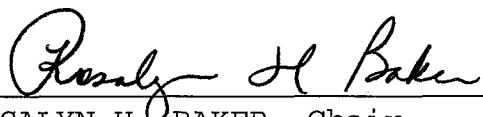
expertise to further investigate this issue, which is properly within that Committee's jurisdiction.

Your Committee has amended this measure by:

- (1) Revising the purpose section of this measure to accurately reflect the contents of the measure;
- (2) Clarifying that "economic benefit" does not include benefits that may be derived by the vehicle owner from advertising its own business; and
- (3) Making technical, nonsubstantive amendments for the purpose of clarity and accuracy in the language of this measure.

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

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



