

JAN 18 2023

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# A BILL FOR AN ACT

RELATING TO SPECIAL NUMBER PLATES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Duke Kahanamoku  
2 should be recognized for his contributions as an all-around  
3 waterman, a lifeguard and lifesaver, a swim record-setter, a  
4 swim and surf instructor, a five-time Olympic medalist in  
5 swimming and water polo, a sheriff of the city and county of  
6 Honolulu, an early champion of volunteerism, and Hawaii's  
7 original ambassador of aloha. He was inducted into the Hawaii  
8 Waterman Hall of Fame, the United States Olympic Hall of Fame,  
9 the International Swimming Hall of Fame, and the International  
10 Surfing Hall of Fame. As one of the first internationally  
11 recognized native Hawaiians, Duke Kahanamoku shared surfing and  
12 the aloha spirit with the world, and in doing so, brought Hawaii  
13 to the world's attention. It is therefore appropriate that Duke  
14 Kahanamoku be honored with a special license plate emblazoned  
15 with his name and likeness to further promote his legacy of  
16 aloha. Accordingly, the purpose of this Act is to authorize the



1 issuance of special number plates to recognize and honor Duke  
2 Kahanamoku.

3 SECTION 2. Chapter 249, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§249- Special number plates for Duke Kahanamoku  
7 authorized. (a) Notwithstanding any law to the contrary, the  
8 director of finance shall issue to any registered owner of a  
9 motor vehicle, who is a resident of the State, upon completed  
10 application and payment of required fees, a special number plate  
11 for the registered owner's motor vehicle commemorating Duke  
12 Kahanamoku, to observe his contribution to Hawaii; provided that  
13 the owner of the Duke Kahanamoku trademark, Malama Pono, Inc.,  
14 has given explicit permission for the trademark to be used for  
15 the special number plate and for all proceeds to benefit the  
16 Outrigger Duke Kahanamoku Foundation.

17 (b) The director of finance of the city and county of  
18 Honolulu, in consultation with the directors of finance of the  
19 counties of Kauai, Maui, and Hawaii, the chiefs of police of the  
20 city and county of Honolulu, and the counties of Kauai, Maui,  
21 and Hawaii, and the executive director of the Outrigger Duke



1 Kahanamoku Foundation, shall establish a special number plate  
2 design that:

3       (1) Contains words, images, or both, that indicate the  
4           special number plate is issued to recognize Duke  
5           Kahanamoku; provided that the director of finance of  
6           the city and county of Honolulu may establish special  
7           number plate designs to jointly or separately  
8           recognize Duke Kahanamoku;

9       (2) Is similar in shape and size to the uniform state  
10           number plate prescribed by law; and

11       (3) Does not obstruct the visibility of the number or  
12           letters or any other information that is required by  
13           law to be on a number plate and is readily  
14           identifiable and distinguishable under actual traffic  
15           conditions.

16       (c) The special number plate design shall not:

17       (1) Infringe upon or otherwise violate any trademark,  
18           trade name, service mark, copyright, or other  
19           proprietary or property right;

20       (2) Represent any obscene or degrading image, idea, word,  
21           or phrase;



1       (3) Advertise or endorse a product, brand, or service that  
2           is provided for sale;

3       (4) Promote any religious belief; or

4       (5) Promote any philosophy based on prejudice or that is  
5           contrary to state civil rights laws.

6       (d) Each special number plate shall be securely fastened  
7           to the motor vehicle in lieu of the uniform state number plate.

8       (e) The director of finance shall charge a special number  
9           plate fee at least equal to the county's cost of providing the  
10          special number plate and administrative costs, if any, plus a  
11          fundraising fee to be determined by the director of finance in  
12          consultation with the executive director of the Outrigger Duke  
13          Kahanamoku Foundation. The fundraising fee shall be in addition  
14          to any other state or county fees collected for a motor vehicle  
15          registration or license plate.

16       (f) The director of finance may charge an additional  
17          fundraising fee, of the same or a different amount as the  
18          fundraising fee established pursuant to subsection (e), for the  
19          renewal of a special number plate. If an additional fundraising  
20          fee is implemented pursuant to this subsection, the director of  
21          finance shall not renew and instead shall revoke the special



1 number plate of the registered owner of a motor vehicle who  
2 fails to pay the additional fundraising fee imposed by this  
3 subsection.

4 (g) The revenue generated by the fundraising fees, or a  
5 portion of the revenue generated by the fundraising fees as  
6 determined by the director of finance, shall be deposited in the  
7 name of the Outrigger Duke Kahanamoku Foundation in a separate  
8 county budget account. The director of finance shall determine  
9 the most efficient means of directing the net revenue generated  
10 by the fundraising fees to the Outrigger Duke Kahanamoku  
11 Foundation, as appropriate, to fund programs that promote water  
12 safety and swim education across the State while developing  
13 world class water athletes as a tribute to and in the spirit of  
14 Duke Kahanamoku.

15 (h) The director of finance may revoke all special number  
16 plates issued pursuant to this section if the total number of  
17 registered owners of motor vehicles who obtain the special  
18 number plates is less than one hundred fifty within three years  
19 of issuance of the first special number plate.

20 (i) Nothing in this section shall be construed to apply to  
21 any plates issued pursuant to section 249-9.2.



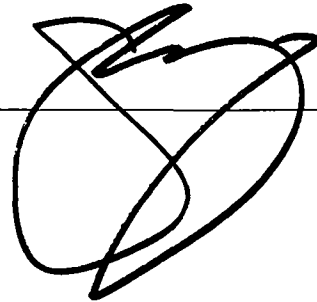
1        (j) For the purposes of this section, unless a different  
2 meaning appears from the context, "special number plate" means a  
3 license plate that commemorates Duke Kahanamoku."

4        SECTION 3. New statutory material is underscored.

5        SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: \_\_\_\_\_

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# S.B. NO. 116

**Report Title:**

Special License Plates; Duke Kahanamoku; Outrigger Duke  
Kahanamoku Foundation

**Description:**

Authorizes the issuance of special number plates to commemorate  
Duke Kahanamoku.

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not legislation or evidence of legislative intent.*

