

A Bill for an Act Relating to Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii is one of the most beautiful places on the planet, with breathtaking landscapes, lush tropical forests, and rich ocean resources. The State is home to amazing ecosystems that include a unique mix of flora and fauna, including dozens of endemic Hawaiian birds that can be found nowhere else on earth; approximately one thousand four hundred species of native plants, ninety per cent of which are endemic to the State; and familiar marine mammals that are closely associated with the State, including the Hawaiian monk seal and humpback whale.

The legislature also finds that state residents understand the importance of these unique resources and appreciate their value. More specifically, residents appreciate the beloved native and endemic plants and animals of Hawaii, strongly believe that these resources must be preserved for future generations, and support opportunities to directly contribute to the conservation of these critical resources.

Accordingly, the purpose of this Act is to:

- (1) Establish special number motor vehicle license plates that commemorate the importance of environmental conservation, and use proceeds from the special number plate program to fund conservation and protection efforts; and
- (2) Increase initial application and renewal fees for special number plates.

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

“§249- Special number plates for environmental conservation; authorized.

(a) Notwithstanding any law to the contrary, the director of finance shall issue to any registered owner of a motor vehicle, who is a resident of the State and has completed the application and paid the required fees, special number plates that commemorate the importance of environmental conservation, for the registered owner's motor vehicle.

(b) The director of finance of the city and county of Honolulu shall establish special number plate designs that commemorate the importance of environmental conservation. The design shall:

- (1) Contain words or images, or both, that indicate that the special number plate is being issued to commemorate the importance of environmental conservation;
- (2) Be similar in shape and size to the uniform state number plate prescribed by law; and
- (3) Be readily identifiable and distinguishable under actual traffic conditions.

The director of finance of the city and county of Honolulu shall consult with the directors of finance of the counties of Kauai, Maui, and Hawaii; the chiefs of police of the city and county of Honolulu and the counties of Kauai, Maui, and Hawaii; and the chairperson of the board of land and natural resources in establishing the special number plate design, which shall be visually attractive and highlight Hawaii's environment, native species, or both.

(c) Each special number plate design shall not:

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

- (2) Represent any obscene or degrading image, idea, word, or phrase;
- (3) Advertise or endorse a product, brand, or service that is provided for sale;
- (4) Promote any religious belief;
- (5) Promote any philosophy based on prejudice or that is contrary to state civil rights laws; or
- (6) Obstruct the visibility of the number plate's numbers or letters or any other information that is required by law to be on a number plate.

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

(e) The director of finance shall charge a special number plate fee at least equal to the county's cost of providing the special number plate and administrative costs, if any, plus a fundraising fee to be set by the department of land and natural resources. The fundraising fee established by this subsection shall be in addition to any other state or county fees collected for a motor vehicle registration or license plates.

(f) The revenue generated by the fundraising fees established pursuant to subsection (e) shall be deposited into the conservation and resources enforcement special fund established under section 199-1.5.

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

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

(i) For the purposes of this section, unless a different meaning appears from the context, "special number plate" means a license plate that is not a uniform state number plate."

SECTION 3. Section 199-1.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The following shall be deposited into the conservation and resources enforcement special fund:

- (1) Grants, awards, donations, gifts, transfers, or moneys derived from public or private sources for the purposes of enforcing the provisions of title 12; chapters 6D, 6E, and 6K; or any rule adopted thereunder;
 - (2) Fees, reimbursements, administrative charges, and penalties collected for activities related to the enforcement of natural, cultural, and historic resources protection laws and rules, except as otherwise provided by law that provides for deposits into other special funds administered by the department;
 - (3) Moneys derived from interest, dividends, or other income from the above-mentioned sources; ~~and~~
 - (4) Revenues generated from section 249-_____ ; and
- ~~[(4)]~~ (5) Appropriations by the legislature to the special fund."

SECTION 4. Section 249-9.1, Hawaii Revised Statutes, is amended to read as follows:

"**§249-9.1 Special number plates.** In addition to the number plates contracted on behalf of the counties by the director of finance of the city and county of Honolulu, the director of finance may provide, upon request, special number plates. The special number plates shall conform to the requirements

provided for the uniform number plates except that the owner may request the choice and arrangement of letters and numbers. The maximum number of letters and numbers shall be six and only one hyphen will be allowed in addition to and in lieu of the six letters and numerals. No other punctuation marks shall be allowed. The director of finance shall not issue special number plates which have the letter and numeral combination of regular plates, are misleading or publicly objectionable. The fee for special number plates shall be [~~\$25~~] \$60 upon initial application and [~~\$25~~] \$60 upon each annual renewal of the vehicle registration. This fee shall not be refundable. Re-application for special number plates must be made upon a change in design of regular plates. The director of finance may discard and allow for new applications of inactive special number plates that have not been assigned or registered during the preceding three years. The director of finance shall adopt rules pursuant to chapter 91 to carry out this section.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval; provided that section 4 shall take effect on January 1, 2022.

(Approved June 8, 2021.)

Note

1. Edited pursuant to HRS §23G-16.5.