

ACT 25

A Bill for an Act Relating to Special Number Plates.

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

SECTION 1. The legislature finds that Duke Kahanamoku should be recognized for his contributions as an all-around waterman, a lifeguard and life-saver, a record-setting swimmer, a swim and surf instructor, a five-time Olympic medalist in swimming and water polo, a sheriff of the city and county of Honolulu, an early champion of volunteerism, and Hawaii's original ambassador of aloha. Duke Kahanamoku was inducted into the Hawaii Waterman Hall of Fame, United States Olympic Hall of Fame, International Swimming Hall of Fame, and International Surfing Hall of Fame. As one of the first internationally recognized native Hawaiians, Duke Kahanamoku shared surfing and the aloha spirit with the world, and in doing so, brought Hawaii to the world's attention. It is therefore appropriate that Duke Kahanamoku be honored with a special license plate emblazoned with his name and likeness to further promote his legacy of aloha.

Accordingly, the purpose of this Act is to authorize the issuance of special number plates to recognize and honor Duke Kahanamoku.

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 Duke Kahanamoku 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, upon completed application and payment of required fees, a special number plate for the registered owner's motor vehicle commemorating Duke Kahanamoku and his contributions to Hawaii; provided that the director of finance of the city and county of Honolulu shall not issue any special number plate pursuant to this section before receiving from the owner of the Duke Kahanamoku trademark, Malama Pono, Inc., written permission for the trademark to be used for the special number plate and for all proceeds to benefit the Outrigger Duke Kahanamoku Foundation.

(b) The director of finance of the city and county of Honolulu, in consultation 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 executive director of the Outrigger Duke Kahanamoku Foundation, shall establish a special number plate design that:

- (1) Is similar in shape and size to the uniform state number plate prescribed by law;
- (2) Complies with all other requirements in section 249-9(a);
- (3) Contains words, images, or both, not to exceed four and a half inches in height by four inches in width, that indicate the special number plate is issued to recognize Duke Kahanamoku; and
- (4) Does not obstruct the visibility of the number or letters or any other information that is required by law to be on a number plate and is readily identifiable and distinguishable under actual traffic conditions;

provided that the director of finance of the city and county of Honolulu may also establish additional special number plate designs in conformance with this subsection and subsection (c) that jointly or separately recognize Duke Kahanamoku.

- (c) The 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; or
- (5) Promote any philosophy based on prejudice or that is contrary to state civil rights laws.

(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 determined by the director of finance in consultation with the executive director of the Outrigger Duke Kahanamoku Foundation. The fundraising fee shall be in addition to any other state or county fees collected for a motor vehicle registration or license plate.

(f) The director of finance may charge an additional fundraising fee, of the same or a different amount as the fundraising fee established pursuant to subsection (e), for the renewal of a special number plate. If an additional fundraising fee is implemented pursuant to this subsection, the director of finance shall not renew and instead shall revoke the special number plate of the registered owner of a motor vehicle who fails to pay the additional fundraising fee imposed by this subsection.

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

(h) 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 who obtain the special number plates is less than one hundred fifty within three years of issuance of the first special number plate.

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

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

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved May 15, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.