STAND. COM. REP. NO

Honolulu, Hawaii

MAR 2 5 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



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

Your Committee has amended this measure by:

- 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,

Kosale H Bake

ROSALYN H. OBAKER, Chair



The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Commerce and Consumer Protection CPN

Bill / Resolution No.:*	Committee Referral:		Date:			
HB 1417 HD2	CPN, JGO		3/19/2009			
The committee is reconsidering its previous decision on this measure.						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (W	'R)	Nay	Excused
BAKER, Rosalyn H. (C)	· .					
IGE, David Y. (VC)						
ESPERO, Will	· · · · · · · · · · · · · · · · · · ·	\checkmark				
GREEN, M.D., Josh		\checkmark				
IHARA, Jr., Les			·			\checkmark
SAKAMOTO, Norman		\mathbf{V}				
HEMMINGS, Fred				207-016 20250	te fairight and a lat	
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Recommendation:						
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

*Only one measure per Record of Votes