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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 record-setting swimmer, 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. Duke Kahanamoku was inducted into  
8 the Hawaii Waterman Hall of Fame, United States Olympic Hall of  
9 Fame, International Swimming Hall of Fame, and 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.



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

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

7           "§249-           Special number plates for Duke Kahanamoku  
8 authorized. (a) Notwithstanding any law to the contrary, the  
9 director of finance shall issue to any registered owner of a  
10 motor vehicle, who is a resident of the State, upon completed  
11 application and payment of required fees, a special number plate  
12 for the registered owner's motor vehicle commemorating Duke  
13 Kahanamoku and his contributions to Hawaii; provided that the  
14 director of finance of the city and county of Honolulu shall not  
15 issue any special number plate pursuant to this section before  
16 receiving from the owner of the Duke Kahanamoku trademark,  
17 Malama Pono, Inc., written permission for the trademark to be  
18 used for the special number plate and for all proceeds to  
19 benefit the Outrigger Duke Kahanamoku Foundation.

20           (b) The director of finance of the city and county of  
21 Honolulu, in consultation with the directors of finance of the



1 counties of Kauai, Maui, and Hawaii, the chiefs of police of the  
2 city and county of Honolulu and the counties of Kauai, Maui, and  
3 Hawaii, and the executive director of the Outrigger Duke  
4 Kahanamoku Foundation, shall establish a special number plate  
5 design that:

6       (1) Contains words, images, or both, that indicate the  
7       special number plate is issued to recognize Duke  
8       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 provided that the director of finance of the city and county of  
17 Honolulu may also establish additional special number plate  
18 designs in conformance with this subsection and subsection (c)  
19 that jointly or separately recognize Duke Kahanamoku.

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



- 1       (1) Infringe upon or otherwise violate any trademark,  
2       trade name, service mark, copyright, or other  
3       proprietary or property right;
- 4       (2) Represent any obscene or degrading image, idea, word,  
5       or phrase;
- 6       (3) Advertise or endorse a product, brand, or service that  
7       is provided for sale;
- 8       (4) Promote any religious belief; or
- 9       (5) Promote any philosophy based on prejudice or that is  
10       contrary to state civil rights laws.
- 11       (d) Each special number plate shall be securely fastened  
12       to the motor vehicle in lieu of the uniform state number plate.
- 13       (e) The director of finance shall charge a special number  
14       plate fee at least equal to the county's cost of providing the  
15       special number plate and administrative costs, if any, plus a  
16       fundraising fee to be determined by the director of finance in  
17       consultation with the executive director of the Outrigger Duke  
18       Kahanamoku Foundation. The fundraising fee shall be in addition  
19       to any other state or county fees collected for a motor vehicle  
20       registration or license plate.



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

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



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

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

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

11        SECTION 3. New statutory material is underscored.

12        SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Special Number Plates; Duke Kahanamoku; Outrigger Duke  
Kahanamoku Foundation

**Description:**

Authorizes the issuance of special number plates to commemorate  
Duke Kahanamoku. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

