

A Bill for an Act Relating to Special Number Plates.

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

SECTION 1. Section 249-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Notwithstanding any other provision of the law, any antique motor vehicle shall be issued a special number plate for a fee of \$10 which plate shall be permanent and valid for use on such vehicles so long as the vehicle is in existence in lieu of the uniform state number 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. In addition to the payment of any other fee required by law, applicable to antique motor vehicles, the owner of any such vehicle shall pay the fee for the issuance of the special number plate. The registration numerals and special number plates assigned to antique motor vehicles shall be labeled “Horseless Carriage” and “Permanent” and shall run in a separate numerical series, commencing with Horseless Carriage No. 1.”

SECTION 2. 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 upon initial application and \$25 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 [prescribe] adopt rules pursuant to chapter 91 to carry out [the provisions of] this section.”

SECTION 3. Section 249-9.2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In lieu of 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 shall provide for a fee, one set of special number plates upon the receipt of an application together with:

- (1) Specific proof that the applicant was awarded the Purple Heart by the United States Department of Defense for wounds received in military or naval combat against an armed enemy of the United States;
- (2) Certification that the applicant is a veteran;

- (3) Specific proof that the applicant was [providing military service to] serving the United States[, in the military or as a civilian, on Oahu, or offshore at a distance of not more than three miles at the time of the December 7, 1941, attack on Pearl Harbor. Certification from the Hawaii state chairperson of the Pearl Harbor Survivors Association shall constitute sufficient proof;
- (4) Specific proof that the applicant was confined as a prisoner of war while providing military service to the United States; or
- (5) Certification from the United States Department of Veterans Affairs or the state office of veterans' services that the applicant is a combat veteran or a veteran of the Vietnam conflict or the Korean conflict or World War II."

SECTION 4. Section 249-9.3, Hawaii Revised Statutes, is amended to read as follows:

**"[§249-9.3] Special number plates; design and issuance by counties.**

(a) [Beginning January 1, 1998, in] In lieu of the number plates contracted on behalf of the counties by the director of finance of the city and county of Honolulu, the county directors of finance[, by the affirmative vote of the majority, may authorize the issuance of] shall issue special number plates to any organization [or institution] in the State that meets the minimum standards and qualifications established under [rules adopted in accordance with subsection (b).] this section. Organizations are authorized to retain the fees collected, less expenses, for the special number plates.

[(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, shall adopt rules in accordance with chapter 91 to:

- (1) Establish application procedures and eligibility standards for organizations or institutions seeking special number plates under this section;
- (2) Establish] establish special design parameters and restrictions for decals or graphic representations affixable to special number plates; [and
- (3) Set reasonable charges and fees for the recovery of administrative costs incurred as the result of the issuance of special number plates under this section.] provided that the decal shall not be larger than two and one-half inches wide by three inches high.

(b) For the purposes of this section, the following terms shall have the following meanings:

"Director" unless indicated otherwise by its context, means the county directors of finance.

"Organization" means an organization of at least one hundred members in good standing that is:

- (1) A not-for-profit organization recognized as such by the Internal Revenue Service and whose primary purpose is to provide the community with specific programs to improve the public's health, education, or general welfare;
- (2) A military service veterans group; or
- (3) A state or county agency approved by the director.

An organization includes any school or accredited institution of higher learning or a college or recognized program thereof.

"Special number plate" means a license plate with a decal on its face that represents an organization as defined in this section.

(c) Organizations as defined under subsection (b) may apply for a special number plate with the director. The organization shall design a decal to be placed on the license plate that represents the organization and complies with this section.

All organizations shall be headquartered in the State; provided that an organization that is a chapter or branch of an international, national, or regional organization shall be in good standing and authorized in writing by the parent organization to use the decal design applied for by the organization.

(d) An organization shall apply for a special number plate with the director on an application form prescribed by the director. The application shall include:

- (1) A design of the organization's decal;
- (2) A signed notarized statement by an officer of the organization that the organization will acquire at least one hundred fifty special number plates; and
- (3) The dollar amount the organization plans to raise from each special number plate.

The director shall determine, based on criteria in this section, and the director's discretion, whether an organization's application has been accepted or rejected. The director shall also seek the approval of an organization's decal design from the county chief of police where the application is made.

If the director rejects an application, the director shall state the reasons for the rejection in writing and shall allow the applicant to reapply within a reasonable period after the rejection.

After an organization's application has been approved, members of the organization may apply for the organization's special number plate. The director may require proof of membership of an organization's members in addition to the completion of a form as prescribed by the director. Special number plates shall be issued only to the registered owner of an applicant motor vehicle.

(e) The design of the decal used on an organization's special number plate shall not:

- (1) Infringe 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;

provided that the decal does not obstruct the visibility of the number or letters or any other information that is required by law to be on the license plate and is readily identifiable and distinguishable under actual traffic conditions.

(f) The director shall charge a special number plate fee equal to the county's cost of providing the special number plate plus the organization's fund raising amount applied for under subsection (d). The fee shall be in addition to any other state or county fees collected for a motor vehicle registration or license plate. The fund raising portion of the fee shall be deposited in the name of the organization in a separate county budget account. The director shall determine the most efficient means of reimbursing organizations for their fund raising portion of the fee.

(g) Registration certificates and special number plates issued under this section shall not be transferable to any other person. Prior to the transfer of the ownership of a motor vehicle with special number plates, the registered owner of the motor vehicle shall surrender the special number plates to the director as a condition to the issuance of a new motor vehicle registration and license plates.

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

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

**SECTION 6.** This Act shall take effect upon its approval.

(Approved July 2, 1999.)