

## ACT 8

H.B. NO. 79

A Bill for an Act Relating to Special Number Plates.

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

SECTION 1. Section 249-9.3, Hawaii Revised Statutes, is amended to read as follows:

**“§249-9.3 Special number plates; design and issuance by counties.** (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 county directors of finance shall issue special number plates to any organization in the State that meets the minimum standards and qualifications established under this section. Organizations are authorized to retain the fees collected, less expenses, for the special number plates.

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 establish special design parameters and restrictions ~~for~~ decals or graphic representations affixable to special number plates; provided that the decal shall not be larger than three 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:

- (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~~

## ACT 8

- (3) A state or county agency approved by the director; or
- (4) 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 or director 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, a motor vehicle owner may apply for the organization’s special number plate. The director may require 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 fundraising 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 fundraising 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 fundraising 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.]~~ The director may revoke the approval of an organization's application for special number plates if the total number of registered vehicles that obtained the special number plates is less than one hundred fifty within three years of receiving approval to issue the organization's special number plate. Upon the revocation of the approval, the director shall return the unused decals to the organization.

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

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 15, 2005.)