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Op. No. 67-17

STATE OF HAWAII

DEPARTMENT OF THE ATTORNEY GENERAL

Honolulu, Hawaii 96813

May 17, 1967

The Honorable Thomas P. Gill
Lieutenant Governor
State of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Sir:

This is in reply to your request of May 10, 1967 for our opinion as to whether or not motor vehicle number plates having different types of reflective material would violate Section 130-9, Revised Laws of Hawaii 1955, as amended, which requires that motor vehicle number plates be "uniform throughout the state." Your office is considering giving each county the option of determining the type of reflective material for the number plates to be used in that county. The choice would be between the present "beads-on-paint" and the newer form of "reflectorized sheeting."

We answer your question in the affirmative.

Section 130-9, Revised Laws of Hawaii 1955, as amended, provides in pertinent part as follows:

"Section 130-9. Uniform number plates; purchase.
The number plates hereinabove referred to shall be uniform throughout the State and shall be used upon all vehicles for which a tax has been paid pursuant to sections 130-1 to 130-11. All such plates shall bear the word 'Hawaii,' shall have a distinct contrast between the color of the plate and the numerals and letters thereon, and shall be of such shape, size and color, and with such arrangements of letters and numbers as may, subject to the provisions of sections 130-1 to 130-11, be determined by the lieutenant governor. The numerals on all

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such plates shall be not less than three inches in height and the strokes thereof not less than three-eighths inch in width, except in the case of motorcycles, in which case the numerals shall not be less than one inch in height and the strokes thereof not less than one-eighth inch in width."

These provisions were first enacted by Act 198, Session Laws of Hawaii 1921. Its principal object was "to establish a uniform system of motor vehicle registration throughout the Territory and to provide for the number plates upon motor vehicles being likewise uniform. . . . We believe that this bill will effect a decided improvement upon the various systems now prevailing in the different counties." Stand. Com. Rep. No. 171, 1921 Senate Journal at p. 428. The number plates, "instead of being designed for the separate counties, are to be uniform throughout the islands." Stand. Com. Rep. No. 471, 1921 House Journal at p. 1000.

It is apparent therefrom that the requirement of uniformity was intended to abolish the variations theretofore existing among the counties. Section 130-9 further implements that purpose by providing that the shape, size, color and arrangement of letters and numerals shall be determined by the lieutenant governor who shall contract annually on behalf of the counties for the procurement of motor vehicle number plates to be used in the State.

Based upon the foregoing, we are of the opinion that the term "uniform" as it appears in Section 130-9, Revised Laws of Hawaii 1955, as amended, means uniform in all respects, including the reflective material on the plates.

Very truly yours,

/s/ Clinton K. L. Ching

APPROVED:

CLINTON K. L. CHING
Deputy Attorney General

/s/ Bert T. Kobayashi

BERT T. KOBAYASHI
Attorney General

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