

JAN 25 2006

A BILL FOR AN ACT

RELATING TO VEHICULAR EMISSIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature recognizes that the greatest
2 environmental challenge of the twenty-first century is to
3 protect future generations from global warming.

4 The State of California has met this challenge by adopting
5 the nation's strictest vehicular emissions standards. Based
6 upon the "maximum feasible and cost-effective reduction of
7 greenhouse gas emissions" possible, the standards require auto
8 makers doing business in California to begin implementing clean-
9 running technology in new vehicles by 2009 and meet more
10 stringent emission standards by 2016. The standards call for
11 cars and light trucks to reduce exhaust pollutants by twenty-
12 five per cent. Larger trucks and sport utility vehicles must
13 cut emissions by eighteen per cent.

14 Under the federal Clean Air Act, states have the right to
15 adopt the more stringent California program for its reduced
16 automotive emissions, or they must adhere to federal standards.
17 Several states have adopted California's emission standards,
18 including New York, Massachusetts, New Jersey, Connecticut,



1 Rhode Island, Washington, Oregon, and Vermont. Together, these
2 states have cut air pollution's public health risk
3 significantly. They have also influenced automotive
4 technologies that impact the way cars are built today.

5 It is time for the State of Hawaii to meet the challenge of
6 global warming and set vehicular emission standards that will
7 protect our future generations.

8 The purpose of this Act is to initiate a process, similar
9 to the process used in California, to establish the maximum
10 feasible and cost-effective reduction of greenhouse gases
11 emitted by vehicles in the State of Hawaii.

12 SECTION 2. Chapter 342B, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§342B- Vehicular emissions; greenhouse gases.** (a) The
16 department shall establish greenhouse gas emission standards
17 that achieve the maximum feasible and cost-effective reduction
18 of greenhouse gases emitted by passenger vehicles and light-duty
19 trucks and any other vehicles determined by the department to be
20 vehicles whose primary use is noncommercial personal
21 transportation in the State.



1 (b) For the purposes of this section, the following
2 definitions apply:

3 "Department" means the department of health.

4 "Greenhouse gases" include all of the following gases:
5 carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,
6 perfluorocarbons, and sulfur hexafluoride.

7 "Maximum feasible and cost-effective reduction of
8 greenhouse gas emissions" means the greenhouse gas emission
9 reductions that the department determines meet both of the
10 following criteria:

11 (1) Capable of being successfully accomplished within the
12 time provided by this Act, taking into account
13 environmental, economic, social, and technological
14 factors; and

15 (2) Economical to an owner or operator of a vehicle,
16 taking into account the full life-cycle costs of a
17 vehicle.

18 "Motor vehicle" means a passenger vehicle, light-duty
19 truck, or any other vehicle determined by the department to be a
20 vehicle whose primary use is noncommercial personal
21 transportation."



1 SECTION 3. Rules. No later than January 1, 2008, the
2 department of health shall develop and adopt rules that achieve
3 the maximum feasible and cost-effective reduction of greenhouse
4 gas emissions from motor vehicles. The rules shall not take
5 effect prior to January 1, 2009, to allow the legislature time
6 to review the rules and determine whether further legislation
7 should be enacted prior to the effective date of the rules, and
8 shall apply only to a motor vehicle manufactured in the 2012
9 model year, or any model year thereafter. Within ten days of
10 adopting the rules, the department shall transmit the rules to
11 the appropriate committees of the legislature for review. The
12 legislature shall hold at least one public hearing to review the
13 rules.

14 SECTION 4. Evaluative factors. In developing the rules
15 described in section 3, the department shall do the following:

- 16 (1) Consider the technological feasibility of the rules;
- 17 (2) Consider the impact the rules may have on the economy
18 of the State, including, but not limited to:
 - 19 (A) The creation of jobs within the State;
 - 20 (B) The creation of new businesses or the elimination
21 of existing businesses within the State;

- 1 (C) The expansion of businesses currently doing
2 businesses within the State;
- 3 (3) Provide flexibility, to the maximum extent feasible
4 consistent with this Act, in the means by which a
5 person subject to the rules adopted pursuant to
6 section 3 may comply with the rules. That flexibility
7 shall include, but not be limited to, authorization
8 for a person to use alternative methods of compliance
9 with the rules. In complying with this paragraph, the
10 department shall ensure that any alternative methods
11 for compliance achieve the equivalent, or greater,
12 reduction in emissions of greenhouse gases as the
13 emission standards contained in the rules;
- 14 (4) Grant emissions reduction credits for any reductions
15 in greenhouse gas emissions from motor vehicles that
16 were achieved prior to the operative date of the rules
17 adopted pursuant to section 3, to the extent permitted
18 by state and federal law governing emissions reduction
19 credits. For purposes of this paragraph, the
20 department shall utilize the 2006 motor vehicle model
21 year as the baseline for calculating emission
22 reduction credits; and



1 (5) Provide appropriate enforcement and administrative
2 penalties for any person or entity that violates the
3 rules adopted pursuant to section 3.

4 SECTION 5. Excluded provisions. The rules adopted by the
5 department pursuant to section 3 shall not require any of the
6 following:

7 (1) The imposition of additional fees and taxes on any
8 motor vehicle, fuel, or vehicle miles traveled,
9 pursuant to this section or any other provision of
10 law;

11 (2) A ban on the sale of any vehicle category in the
12 State, specifically including, but not limited to,
13 sport utility vehicles and light-duty trucks;

14 (3) A reduction in vehicle weight;

15 (4) A limitation on, or reduction of, the speed limit on
16 any street or highway in the State; or

17 (5) A limitation on, or reduction of, vehicle miles
18 traveled.

19 SECTION 6. Reductions reporting. Not later than July 1,
20 2007, the department shall adopt procedures for the reporting of
21 reductions in greenhouse gas emissions from mobile sources.

1 SECTION 7. Report to the legislature. By January 1, 2008,
2 the department shall report to the legislature and the governor
3 on the content of the rules developed and adopted pursuant to
4 this Act, including, but not limited to, the specific actions
5 taken by the State to comply with section 3. The report shall
6 include, but shall not be limited to, an analysis of the
7 following:

- 8 (1) The impact of the rules on communities in the State
9 with the most significant exposure to air contaminants
10 or air toxic air contaminants; and
11 (2) The economic and public health impacts of those
12 actions on the State.

13 SECTION 8. Federal standards. If the federal government
14 adopts a standard regulating a greenhouse gas emitted from new
15 motor vehicles that the department determines is in a
16 substantially similar time frame, and of equivalent or greater
17 effectiveness, as the rules that would be adopted pursuant to
18 this section, the department may elect not to adopt a standard
19 on any greenhouse gas included in the federal standard.

20 SECTION 9. New statutory material is underscored.



1 SECTION 10. This Act shall take effect upon its approval.

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Report Title:

Vehicular Emissions; DOH Regulations

SB. NO. 3183

Description:

Directs the DOH to develop greenhouse gas emission standards and adopt rules that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the department to be vehicles whose primary use is noncommercial personal transportation in the State.

