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# 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  
9 clean-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  
12 twenty-five per cent. Larger trucks and sport utility vehicles  
13 must 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 reducing global warming and set vehicular emission standards  
7 that will 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 new vehicles, including passenger  
19 cars, pickup trucks, and any other motor vehicle that the  
20 department determines is primarily used for noncommercial  
21 purposes.

22 (b) For purposes of this section:



1       "Greenhouse gases" includes carbon dioxide, methane,  
2 nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur  
3 hexafluoride.

4       "Maximum feasible and cost-effective reduction of  
5 greenhouse gas emissions" means the greenhouse gas emission  
6 reductions that the department determines are:

- 7       (1) Capable of being accomplished within a reasonable  
8 time, taking into consideration environmental,  
9 economic, social, and technological factors; and  
10       (2) Economical to an owner or operator of a vehicle,  
11 taking into consideration the full life-cycle costs of  
12 a vehicle.

13       "Passenger car" shall have the same meaning as that term is  
14 defined under section 286-2.

15       "Pickup truck" shall have the same meaning as that term is  
16 defined under section 291-14."

17       SECTION 3. Rules. No later than January 1, 2008, the  
18 department of health shall develop and adopt rules under chapter  
19 91 that achieve the maximum feasible and cost-effective  
20 reduction of greenhouse gas emissions from motor vehicles. The  
21 rules shall not take effect prior to January 1, 2009, to allow  
22 the legislature time to review the rules and determine whether



1 further legislation should be enacted prior to the effective  
2 date of the rules, provided that the rules shall take effect  
3 prior to January 1, 2011. The rules shall apply only to motor  
4 vehicles manufactured in the 2012 model year or later.

5 SECTION 4. Evaluative factors. In developing the rules  
6 described in section 3, the department shall:

- 7 (1) Consider the technological feasibility of the rules;
- 8 (2) Consider the impact the rules may have on the economy  
9 of the State, including:

- 10 (A) The creation of jobs within the State;
- 11 (B) The creation of new businesses or the elimination  
12 of existing businesses within the State; and
- 13 (C) The expansion of businesses currently doing  
14 business within the State;

- 15 (3) Provide flexibility, to the maximum extent feasible  
16 and consistent with this Act, in the means by which a  
17 person may comply with the rules, including  
18 authorizing a person to use alternative means of  
19 compliance, provided that the alternative means of  
20 compliance shall achieve an equivalent or greater  
21 reduction in the emission of greenhouse gases; and

1 (4) Provide appropriate enforcement and administrative  
2 penalties for any person or entity that violates the  
3 rules.

4 SECTION 5. Interim provision. The department of health  
5 shall develop and adopt rules under chapter 91 to grant  
6 emissions reduction credits for any reduction in greenhouse gas  
7 emissions from motor vehicles that were achieved prior to the  
8 operative date of the rules, to the extent permitted by state  
9 and federal law governing emissions reduction credits. For  
10 purposes of this paragraph, the department shall utilize the  
11 2006 motor vehicle model year as the baseline for calculating  
12 emission reduction credits.

13 SECTION 6. Excluded provisions. Notwithstanding any law  
14 to the contrary, the rules adopted by the department pursuant to  
15 section 3 shall not require:

- 16 (1) The imposition of additional fees or taxes on any  
17 motor vehicle, fuel, or vehicle miles traveled;
- 18 (2) A ban on the sale of any vehicle category in the  
19 State, including sport utility vehicles and pickup  
20 trucks;
- 21 (3) A reduction in vehicle weight;



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

3 (5) A limitation on, or reduction of, vehicle miles  
4 traveled.

5 SECTION 7. Reductions reporting. No later than July 1,  
6 2007, the department shall adopt procedures for the reporting of  
7 reductions in greenhouse gas emissions from mobile sources.

8 SECTION 8. Report to the legislature. By January 1, 2008,  
9 the department shall report to the legislature and the governor  
10 on the content of the rules developed and adopted pursuant to  
11 this Act. The report shall include an analysis of:

12 (1) Which communities in the State have the most  
13 significant exposure to air contaminants or air toxic  
14 air contaminants, what impact the rules are expected  
15 to have on those communities, and the feasibility of  
16 tracking the long term impact of the rules on those  
17 communities; and

18 (2) What impact the rules will have on the state economy  
19 and public health, and the feasibility of tracking the  
20 long-term impact of the rules on the state economy and  
21 public health.

1           SECTION 9. Federal standards. If the federal government  
2 adopts a standard regulating a greenhouse gas emitted from new  
3 motor vehicles that the department determines would apply in a  
4 substantially similar time frame, and of equivalent or greater  
5 effectiveness than the rules that would be adopted pursuant to  
6 this Act, the department shall adopt the federal standard.

7           SECTION 10. New statutory material is underscored.

8           SECTION 11. This Act shall take effect upon its approval.



**Report Title:**

Vehicular Emissions; DOH Regulations

**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. (SD1)

