

JAN 28 2009

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. The legislature finds that carbon dioxide and
2 other greenhouse gas emissions, which result from the burning of
3 fossil fuels and other activities, have been implicated in
4 global climate change. Climate change, if it continues
5 unabated, will likely have profound consequences on Hawaii's
6 environment and quality of life. Should heat-trapping
7 greenhouse gas emissions continue, current scientific consensus
8 predicts a future very different from the one which Hawaii
9 residents and visitors may envision. In worst case scenarios,
10 the Pacific Ocean may inundate most of Waikiki, the business
11 district in Honolulu, and coastal resort areas on other islands.
12 Aquifers on all islands may become increasingly contaminated
13 through saltwater intrusion, and storms and hurricanes with
14 greater severity and frequency may strike the islands. Droughts
15 may be more prolonged, and subtle shifts in island microclimates
16 may rapidly increase extinctions of endangered plants and
17 animals. By transitioning away from fossil fuel sources for



1 electricity generation, Hawaii can play a pivotal role in
2 demonstrating technologies that reduce humankind's contribution
3 to global climate change.

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

15 On January 26, 2009, President Obama issued a memorandum
16 directing the Environmental Protection Agency to review a 2007
17 decision by the Bush administration to deny California and
18 thirteen other states a waiver to set their own emission
19 standards.

20 Under the federal Clean Air Act, states may adopt the more
21 stringent California program for its reduced automotive
22 emissions or they must adhere to federal standards. The



1 thirteen states that have adopted California's emission
2 standards include Arizona, Connecticut, Maine, Maryland,
3 Massachusetts, New Jersey, New Mexico, New York, Oregon,
4 Pennsylvania, Rhode Island, Vermont, and Washington. Together,
5 these states have the potential to cut air pollution's public
6 health risk significantly. They also have the potential to
7 influence automotive technologies that impact the way cars are
8 built today.

9 The purpose of this Act is to require the State to set
10 motor vehicle emission standards that will protect our future
11 generations by adopting the motor vehicle emission standards
12 established in the California Code of Regulations.

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

16 "§342B- Motor vehicle emission standards; program to be
17 established by rule. (a) No later than January 1, 2011, the
18 director shall adopt rules pursuant to chapter 91, establishing
19 and implementing the motor vehicle emission program standards of
20 the State of California for passenger cars, light duty trucks,
21 and medium duty passenger vehicles, and shall amend the rules
22 from time to time, to maintain consistency with the California



1 motor vehicle emission standards and title 42 United States Code
2 section 7507 (section 177 of the federal Clean Air Act).

3 (b) The director shall convene an advisory group composed
4 of industry and consumer group representatives, which shall
5 review and comment on any proposed rules or changes to rules
6 prior to adoption of the rules.

7 (c) This section shall not limit the authority of the
8 director to regulate motor vehicle emissions for any other class
9 of vehicle."

10 SECTION 3. In developing rules pursuant to section 2 of
11 this Act, the director of health shall:

12 (1) Consider the technological feasibility of the rules;

13 (2) Consider the impact that the rules may have on the
14 economy of the State, including:

15 (A) The creation of jobs within the State;

16 (B) The creation of new businesses or the elimination
17 of existing businesses within the State; and

18 (C) The expansion of businesses currently doing
19 business within the State;

20 (3) Provide flexibility, to the maximum extent feasible
21 and consistent with this Act, in the means by which a
22 person may comply with the rules, including



1 authorizing a person to use alternative means of
 2 compliance, provided that the alternative means of
 3 compliance shall achieve an equivalent or greater
 4 reduction in the emission of greenhouse gases; and
 5 (4) Provide appropriate enforcement and administrative
 6 penalties for any person or entity that violates the
 7 rules.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Motor Vehicle Emissions; California Code; Rules

Description:

Requires the director of health to establish, by rule, motor vehicle emission standards by adopting the motor vehicle emission standards established by the State of California.

