

JAN 23 2009

---

---

# A BILL FOR AN ACT

RELATING TO VEHICLE EMISSIONS.

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

1           SECTION 1. The legislature finds that Hawaii is faced with  
2 a rising number of automobiles traveling its highways each year  
3 and that the increasing number of automobiles is a major source  
4 of air pollution and a danger to Hawaii's environment. As we  
5 are faced with the threat of global warming and environmental  
6 devastation on a global scale, we must act to reduce its effects  
7 here in Hawaii. One path to a cleaner environment in Hawaii is  
8 through the adoption of vehicle emissions standards that closely  
9 regulate allowable emissions and encourage cleaner, fuel  
10 efficient vehicles. California has been a pioneer in this area  
11 of air pollution prevention, adopting strict vehicle emissions  
12 standards in the 1970's. Since then, California has revised its  
13 standards, and other states are beginning to follow suit by  
14 adopting similar pollution control measures.

15           The purpose of this Act is to direct the department of  
16 health to adopt rules that establish vehicle emissions and fuel  
17 efficiency standards that meet or exceed those in California.



# S.B. NO. 550

1 By taking this bold step, the State will be on a path to a  
2 cleaner natural environment and decreased dependence on fossil  
3 fuel resources.

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

7 "§342B- Motor vehicle emissions standards; rules. (a)

8 No later than January 1, 2011, the director of health shall  
9 adopt rules, pursuant to chapter 91, to implement statewide  
10 requirements for vehicle emissions and fuel efficiency that meet  
11 or exceed the standards for vehicle emissions and fuel  
12 efficiency found in the California low emission vehicle program.

13 (b) The rules adopted under subsection (a) shall apply to  
14 all new motor vehicles sold or offered for lease in the State  
15 with a model year of 2011 or later.

16 (c) The department:

17 (1) May implement the requirements in phases;

18 (2) Shall provide appropriate enforcement and  
19 administrative penalties for any manufacturer or  
20 seller that violates the rules adopted pursuant to  
21 this section; and



1       (3) Shall amend the rules from time to time to maintain  
2       optimum levels of emissions reduction and fuel  
3       efficiency and to maintain emission levels consistent  
4       with those specified in the California low emission  
5       vehicle program.

6       As used in this section, "California low emission vehicle  
7       program" means the second phase of the low emission vehicle  
8       program found in Title 13 of the California Code of Regulations,  
9       effective January 1, 2005."

10       SECTION 3. Section 342B-12, Hawaii Revised Statutes, is  
11       amended to read as follows:

12       "**§342B-12 Specific powers of the director.** The director  
13       may:

- 14       (1) Establish ambient air quality standards for the State  
15       as a whole or for any part thereof;
- 16       (2) Establish and administer any permit program;
- 17       (3) Establish by rule the control of open burning,  
18       fugitive dust, and visible emissions;
- 19       (4) Establish by rule the control of vehicular [~~smoke~~  
20       emission] emissions and require the installation, use,  
21       and proper operation and maintenance of air pollution  
22       control equipment for motor vehicles; provided that,



1 after January 1, 2010, vehicle emissions shall not  
2 exceed limitations as specified in section 342B- ;

3 (5) Establish and administer a program of inspection and  
4 testing of all modes of transportation except  
5 aircraft, to enforce compliance with applicable  
6 emission limitations when necessary and practicable,  
7 and to control or limit the operation of motor  
8 vehicular and other modes of transportation when the  
9 director finds pursuant to standards established by  
10 rules such modes of transportation are producing or  
11 pose an immediate danger of producing unacceptable  
12 levels of air pollution or when such control is  
13 necessary to meet applicable ambient air quality  
14 standards;

15 (6) Establish by rule other specific areas for control of  
16 air pollution, thereby allowing for varying  
17 conditions;

18 (7) Establish standards of performance or rules for  
19 existing, new, or modified stationary sources or adopt  
20 standards of performance for existing, new, or  
21 modified stationary sources as promulgated by the  
22 administrator;



- 1           (8) Establish maximum achievable control technology
- 2                   standards or rules for the control of hazardous air
- 3                   pollutants from existing, new, or modified sources or
- 4                   adopt maximum achievable control technology as
- 5                   promulgated by the administrator;
- 6           (9) Establish rules for the prevention of significant
- 7                   deterioration of air quality or adopt prevention of
- 8                   significant deterioration regulations as promulgated
- 9                   by the administrator; and
- 10          (10) Establish rules allowing for environmental permit
- 11                   shields."

12           SECTION 4. Section 342B-72, Hawaii Revised Statutes, is

13 amended by amending subsection (a) to read as follows:

14           "(a) Before December 31, 2011, the director shall adopt

15 rules pursuant to chapter 91:

- 16          (1) Establishing greenhouse gas emission limits applicable
- 17                   to sources or categories of sources, including motor
- 18                   vehicle emissions, to be achieved by January 1, 2020,
- 19                   and establishing emission reduction measures to
- 20                   achieve the maximum practically and technically
- 21                   feasible and cost-effective reductions in greenhouse

1 gas emissions in furtherance of achieving the  
 2 statewide greenhouse gas emissions limit; and  
 3 (2) Requiring the reporting and verification of statewide  
 4 greenhouse gas emissions and to monitor and enforce  
 5 compliance with this part,  
 6 to become operative beginning on January 1, 2012."

7 SECTION 5. The director of health shall submit a report to  
 8 the legislature summarizing the Hawaii low emission vehicle  
 9 program, including any proposed legislation necessary to  
 10 implement and enforce the program, no later than twenty days  
 11 prior to the convening of the regular session of 2010.

12 SECTION 6. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect upon approval.  
 15

INTRODUCED BY: Will Egan  
Mike Goffard  
J. Aoi



**Report Title:**

Vehicle Emission Standards

**Description:**

Directs the department of health to adopt rules implementing California's new vehicle emission standards.

