

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO VEHICLES.

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

1           SECTION 1. The Legislature finds that the human-induced  
2 global climate crisis requires thoughtful but bold responses on  
3 many fronts to make Hawaii communities resilient to the impacts  
4 of climate change that threaten the very survivability of these  
5 fragile islands. Lest Hawaii lose its leadership position in  
6 meeting the future of labor, justice and equity, the Legislature  
7 embraces Aloha 'Aina as a Green New Deal to decarbonize Hawaii's  
8 systems of food, energy, and transportation, and to sequester  
9 carbon through systems of agriculture, waste management and  
10 ecosystem restoration. This solid foundation finds synergies  
11 with expanded access to health, housing and education,  
12 multiplying good jobs and ensuring justice and equity for  
13 Hawaii's citizens. This measure represents a forward step in  
14 mitigating and adapting Hawaii to inevitable change.

15           SECTION 2. Section 103D-412, Hawaii Revised Statutes, is  
16 amended to read as follows:



1           "§103D-412 Light-duty motor vehicle requirements[-];  
2 citizen suits. (a) The procurement policy for all agencies  
3 purchasing or leasing light-duty motor vehicles shall be to  
4 reduce dependence on petroleum for transportation energy.

5           (b) Beginning January 1, 2010, all state and county  
6 entities, when purchasing new vehicles, shall seek vehicles with  
7 reduced dependence on petroleum-based fuels that meet the needs  
8 of the agency. Priority for selecting vehicles shall be as  
9 follows:

- 10           (1) Electric or plug-in hybrid electric vehicles and fuel  
11           cell electric vehicles;
- 12           (2) Other alternative fuel vehicles;
- 13           (3) Hybrid electric vehicles; and
- 14           (4) Vehicles that are identified by the United States  
15           Environmental Protection Agency in its annual "Fuel  
16           Economy Leaders" report as being among the top  
17           performers for fuel economy in their class.

18           (c) Beginning January 1, 2022, one hundred per cent of  
19 vehicles purchased or leased by an agency shall be non fossil  
20 fuel powered vehicles, subject to the exemptions set forth in  
21 subsections (e) and (f). Procurement funds for an agency's



1 light-duty motor vehicles shall be withheld if an agency  
2 violates this subsection.

3 [~~e~~] (d) For the purposes of this section:

4 "Agency" means a state agency, office, or department.

5 "Alternative fuel" means alcohol fuels, mixtures containing  
6 eighty-five per cent or more by volume of alcohols with gasoline  
7 or other fuels, natural gas, liquefied petroleum gas, hydrogen,  
8 biodiesel, mixtures containing twenty per cent or more by volume  
9 of biodiesel with diesel or other fuels, other fuels derived  
10 from biological materials, and electricity provided by off-board  
11 energy sources.

12 "Covered fleet" has the same meaning as contained in 10  
13 Code of Federal Regulations Part 490 Subpart C.

14 "Excluded vehicles" has the same meaning as provided in 10  
15 Code of Federal Regulations section 490.3.

16 "Fuel cell electric vehicle" means a zero-emission electric  
17 vehicle that uses a fuel cell to convert hydrogen gas and oxygen  
18 into electricity that is used in a vehicle powertrain for  
19 propulsion.

20 "Light-duty motor vehicle" has the same meaning as  
21 contained in 10 Code of Federal Regulations Part 490, not



1 including any vehicle incapable of traveling on highways or any  
2 vehicle with a gross vehicle weight rating greater than eight  
3 thousand five hundred pounds.

4 "Non fossil fuel powered vehicle" includes electric  
5 vehicles, plug-in hybrid electric vehicles, fuel cell electric  
6 vehicles, one hundred per cent biofuel vehicles, hybrid electric  
7 vehicles, and zero emission vehicles.

8 [~~d~~] (e) Agencies may apply to the chief procurement  
9 officer for exemptions from the requirements of this section to  
10 the extent that the vehicles required by this section are not  
11 available or do not meet the specific needs of the agency;  
12 provided that life cycle vehicle and fuel costs may be included  
13 in the determination of whether a particular vehicle meets the  
14 needs of the agency. Estimates of future fuel costs shall be  
15 based on projections from the United States Energy Information  
16 Administration.

17 [~~e~~] (f) Vehicles acquired from another state agency and  
18 excluded vehicles are exempt from the requirements of this  
19 section.

20 [~~f~~] (g) Nothing in this section is intended to interfere  
21 with the ability of a covered fleet to comply with the vehicle



1 purchase mandates required by 10 Code of Federal Regulations  
2 Part 490 Subpart C.

3 (h) Except as provided in subsection (i), any person,  
4 acting as a private attorney general, may commence a civil suit  
5 on the person's behalf against an agency that is alleged to be  
6 in violation of this section.

7 (i) The circuit environmental courts shall have  
8 jurisdiction to enforce this section or to order the agency to  
9 perform any act or duty required under this section; provided  
10 that no action may be commenced under subsection (h) less than  
11 sixty days after written notice of the alleged violation has  
12 been given to the agency alleged to be in violation of this  
13 section.

14 Any suit brought pursuant to this section may be brought in  
15 the judicial circuit where the alleged violation occurred or is  
16 occurring. In any suit brought pursuant to this section, where  
17 the State is not a party, the attorney general, at the request  
18 of the agency, may intervene on behalf of the State as a matter  
19 of right.

20 The injunctive relief provided by this section shall not  
21 restrict any right that any person or class of persons may have



1 under any other law, including common law, to seek enforcement  
2 of any standard or limitation or to seek any other relief,  
3 including relief against any agency."

4 SECTION 3. Section 291-71, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§291-71 Designation of parking spaces for electric  
7 vehicles; ~~[charging system.]~~ provision of electric vehicle  
8 charging equipment. (a) ~~[Places of public accommodation]~~ A  
9 parking facility with at least one hundred public parking spaces  
10 ~~[available for use by the general public]~~ shall ~~[have]~~ provide  
11 electric vehicle charging equipment to at least one parking  
12 space designated exclusively for electric vehicles ~~[and equipped~~  
13 ~~with an electric vehicle charging system located anywhere in the~~  
14 ~~parking structure or lot]~~ by July 1, 2012 ~~[+]~~. Parking spaces  
15 designated for electric vehicles may be located anywhere within  
16 the parking facility and may require payment for use; provided  
17 that no parking space designated for electric vehicles shall  
18 displace or reduce accessible stalls required by the Americans  
19 with Disabilities Act Accessibility Guidelines. Spaces shall be  
20 designated, clearly marked, and the exclusive designation  
21 enforced. ~~[Owners of multiple parking facilities within the~~



1 ~~State may designate and electrify fewer parking spaces than~~  
2 ~~required in one or more of their owned properties; provided that~~  
3 ~~the scheduled requirement is met for the total number of~~  
4 ~~aggregate spaces on all of their owned properties.] If a parking  
5 facility is owned, leased, or managed by multiple entities, the  
6 owners, lessees, or managers, as applicable, shall be jointly  
7 responsible for complying with this section.~~

8 (b) Beginning July 1, 2021, parking facilities with more  
9 than one hundred total public parking spaces shall be required  
10 to provide electric vehicle charging equipment to at least two  
11 parking spaces per one hundred public parking spaces.

12 (c) Beginning July 1, 2024, parking facilities with more  
13 than one hundred total public parking spaces shall be required  
14 to provide electric vehicle charging equipment to at least three  
15 parking spaces per one hundred public parking spaces.

16 [~~b~~] (d) For the purposes of this section:

17 "Electric vehicle" means:

18 (1) A neighborhood electric vehicle as defined in section  
19 286-2;

20 (2) A vehicle, with four or more wheels, that draws  
21 propulsion energy from a battery with at least four



1 kilowatt hours of energy storage capacity that can be  
2 recharged from an external source of electricity; or  
3 (3) A fuel cell electric vehicle.

4 [~~"Electric vehicle charging system"~~] "Electric vehicle  
5 charging equipment" means a system that:

6 (1) Is capable of providing electricity from a non-vehicle  
7 source to charge the batteries of one or more electric  
8 vehicles;

9 (2) Meets recognized standards, including standard SAE  
10 J1772 of SAE International; and

11 (3) Is designed and installed in compliance with article  
12 625 of the National Electrical Code;

13 provided that the term shall not include facilities or systems  
14 for refueling the hydrogen storage tank of a fuel cell electric  
15 vehicle.

16 "Fuel cell electric vehicle" means a zero-emission electric  
17 vehicle that uses a fuel cell to convert hydrogen gas and oxygen  
18 into electricity that is used in a vehicle powertrain for  
19 propulsion.

20 [~~"Place of public accommodation" has the same meaning as~~  
21 ~~that provided in section 489-2.~~]





1        "Parking facility" means all parking spaces within a single  
2 parking garage or a contiguous parking lot; provided that shared  
3 parking lots that:

4        (1) Serve multiple businesses or uses;

5        (2) Span multiple tax parcels; or

6        (3) Have multiple owners or lessees that are not separated  
7        by public roadways,

8 shall be considered a single parking facility.

9        "Public parking" means parking available for use by the  
10 general public."

11        SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13        SECTION 5. This Act shall take effect on July 1, 2020.

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INTRODUCED BY: \_\_\_\_\_



**By Request**



# S.B. NO. 2979

**Report Title:**

Light-duty Motor Vehicles; Parking Facilities; Electric Vehicles; Charging Infrastructure; Procurement Code; Citizen Suits

**Description:**

Beginning January 1, 2022, requires that one hundred per cent of a state agency's light-duty motor vehicle purchases or leases be restricted to non fossil fuel powered vehicles, subject to specified exemptions. Provides for withholding of procurement funds if an agency violates this requirement. Authorizes citizen suits. Expands the State's existing electric vehicle charging infrastructure requirements for parking facilities.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

