

HAWAII STATE ENERGY OFFICE STATE OF HAWAII

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Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the
SENATE COMMITTEE ON TRANSPORTATION

Thursday, February 11, 2021
3:00 P.M.

House conference room via videoconference

Comments in support of
SB 756
RELATING TO ELECTRIC VEHICLES.

Chair Lee, Vice Chair Inouye, and Members of the Committee, the Hawaii State Energy Office (HSEO) supports SB 756, which authorizes each county to adopt ordinances to enforce section 291-71, HRS, including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain electric vehicle (EV) charging stations in working order, clarifies that certain enforcement officers may enter private property to enforce EV parking space violations, and requires new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and internet-capable.

Emissions from ground transportation account for the largest share of energy sector emissions in the state. For Hawaii to meet its statutory target set forth in §225-P-5 “to sequester more greenhouse gases than emitted as soon as practicable, but no later than 2045,” programs that support the adoption of cleaner transportation options are necessary and important. Specifically addressing infrastructure to achieve those goals is directed by §226-18(a)(2) “Planning for the State's facility systems with regard to energy shall be directed toward the achievement of the following objectives, giving due consideration to all: ... (2) Increased energy security and self-sufficiency through

the reduction and ultimate elimination of Hawaii's dependence on imported fuels for electrical generation and ground transportation;”

Providing the authority to ensure reasonable efforts are made to maintain EV charging stations in working order, and requiring new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and internet-capable, supports the state decarbonization efforts under §225-P-5 and §226-18(a)(2).

Thank you for the opportunity to testify.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura




Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 9, 2021

TO: Honorable Chris Lee, Chair
Senate Committee on Transportation

FROM: Alice L. Lee
Council Chair 

DATE: February 11, 2021

SUBJECT: **SUPPORT OF SB 756, RELATING TO ELECTRIC VEHICLES**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to authorize each county to adopt ordinances to enforce Section 291-71, Hawaii Revised Statutes, including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain electric vehicle charging stations in working order.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **SUPPORT** this measure for the following reasons:

1. The measure allows counties to better enforce electric vehicle ordinances.
2. This measure encourages the use of electric vehicles and ensures each new electric vehicle charging system installed or placed in service is at least a level 2 charging station that is capable of connecting to the Internet.
3. The measure also addresses the problem of poor maintenance by requiring reasonable efforts be made to keep electric vehicle charging systems in working order.

For the foregoing reasons, I **SUPPORT** this measure.

ocs:proj:21legis:21testimony:sb756_paf21-008(21)a_jbf



**Hawaiian
Electric**

**TESTIMONY BEFORE THE SENATE COMMITTEE ON
TRANSPORTATION**

**SB 756
Relating to Electric Vehicles**

February 11, 2021
3:00 PM, Agenda Item # 5
State Capitol, Conference Room 224 / VIDEO CONFERENCE

June Chee
Program Manager, Electrification of Transportation
Hawaiian Electric Company, Inc.

Aloha Chair Lee, Vice Chair Inouye, and Committee Members,

My name is June Chee and I am testifying on behalf of Hawaiian Electric Company on SB 756, Relating to Electric Vehicles. Hawaiian Electric Company supports the intent of this measure as it seeks to install additional and reliable EV infrastructure for electric vehicle drivers.

The Company seeks further clarification regarding language on page 2, line 17 which states, “capable of connecting to the internet” and suggests alternative language such as “network-capable (i.e., able to connect with a network provider)” or “networked” as found in Hawaii Revised Statute §269-72 Electric vehicle charging system; rebate program.

As the largest provider of electric vehicle fast charging in the state, Hawaiian Electric Company remains committed to EV strategies that are sustainable and helps create a bridge to a cleaner future.

Thank you for this opportunity to testify.



Email: communications@ulupono.com

SENATE COMMITTEE ON TRANSPORTATION
Thursday, February 11, 2021 — 3:00 p.m.

Ulupono Initiative supports SB 756, Relating to Electric Vehicles.

Dear Chair Lee and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono supports SB 756, which authorizes each county to adopt ordinances to enforce section 291-71, Hawai'i Revised Statutes (HRS), including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain electric vehicle (EV) charging stations in working order. This bill also clarifies that certain enforcement officers may enter private property to enforce EV parking space violations. It also requires new EV charging systems (EVCS) installed pursuant to the EV charging system requirement to be at least Level 2 and internet-capable.

Ulupono supports the enforcement of the EV parking stall standards as stated in Section 291-71, HRS. EV parking and EVCS are critical to supporting the State's clean energy and transportation goals. Our research indicates that overall compliance to HRS section 291-71 is less than 30% statewide. Clarifying the authority to enforce this law with the proper EV charging infrastructure will undoubtedly provide much needed compliance.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i

Hawaii Electric Vehicle Association

PO BOX 6310
Hilo, HI 96720
hawaiidriveelectric@gmail.com



February 9, 2021

Dear Chair Lee, Vice-Chair Inouye, and Transportation Committee members,

Hawaii Electric Vehicle Association is in strong SUPPORT of **SB756**.

A ubiquitous and reliable public charging infrastructure is essential to electric vehicle (EV) adoption in Hawaii and to equitable access to clean transportation. **SB756** will help us ensure that EV charging does not become a barrier to the decarbonization of our transportation sector.

HRS 291-71 was intended to enable the expansion of EV charging infrastructure. However, as far back as [2013](#), it was recognized that the law required tuning to incentivize our counties to codify the law.

Unfortunately, not much has changed. A substantial number of properties across Hawaii with over 100 parking spaces have either no electric vehicle (EV) chargers or have chargers in disrepair. Projects that would normally require the installation of EV parking and charging infrastructure continues to move forward without the requirement being met.

Additionally, charging station owners and property managers with faulty equipment have been slow to repair malfunctioning stations. EV projects often result in the installation of stations with less than Level 2 output, creating an impractical result and unnecessarily long vehicle charging times. Without rules to enhance and enforce HRS 291-71, this will not change.

To achieve Hawaii's sustainable transportation and climate goals, we must decarbonize ground transportation as soon as possible. This sector contributes to a significant percentage of our carbon emissions - it behooves us to accelerate the transition. Thankfully, automakers are heeding the demand for zero-emission vehicles and are providing consumers with choice and affordability.

EVs are now accessible to almost everyone - there will soon be a model and make (and price point) that will meet consumer needs and expectations. However, without a proper charging ecosystem, the transition to EVs will be hampered. We need to respond by expanding our charging infrastructure.

Importantly, reliable public EV charging stations are needed to ensure equitable access to sustainable transportation. Much of Hawaii's ALICE (Asset Limited, Income Constrained, Employed) and low-income households don't have the luxury of home charging and will depend on public charging. Readily available and reliable public EV chargers allow for the democratization of the electric vehicle and enable all segments of our community to enjoy the economic, environmental, and health benefits of clean transportation.

Thank you for your support of **SB756**.

Sincerely,

A handwritten signature in black ink, appearing to read "Noel Morin", with a long horizontal line extending to the right.

Noel Morin - President

A handwritten signature in black ink, appearing to read "Sonja Kass", written in a cursive style.

Sonja Kass – Director

Hawaii EV Association is a grassroots non-profit group representing electric vehicle owners in Hawaii. Our mission is to accelerate the electrification of transportation through consumer education, policy advocacy, and electric vehicle charging infrastructure expansion. For more information, please visit hawaiiev.org.



KauaiEV.org
302 Makani Rd.
Kapaa, HI 96746
808-652-0591

KauaiEV
Kauai Electric Vehicle Association

February 9, 2021

Dear Chair Lowen, Vice Chair Marten, and EEP Committee members,

On behalf of KauaiEV, a grassroots organization with over 100 members on Kauai, I write **in strong support of SB756**.

Our members are electric vehicle drivers, and we believe that EVs are the personal transportation of the future. EVs are very efficient, and several of our members get 170 - 180 miles per gallon equivalent, so EVs are far less polluting and cheaper over their lifetime.

The International Energy Association recommends a ratio of 10 EVs to 1 working charger - Hawaii's lack of working chargers is a real obstacle to EV adoption. Charge anxiety is a big a problem for potential EV buyers, EV-driving renters and condo-dwellers. 4 of our members had to sell their EVs because they had no way to keep them charged.

A 2017 EVSE study conducted by the Blue Planet Foundation only 19% (Hawaii county) to 26% (Maui) of properties over 100 parking stalls complied with the requirement to install an EV charger.

On Kaua'i about 25% of the public chargers are turned off, in disrepair, not functioning or throttled to artificially slow down charging. At times this percentage is even higher. After talking to EV drivers on other islands I believe the problem exists statewide. Even the county of Kauai throttles their chargers. When EV drivers inquired why the EV chargers were not working they were told there was no law that required them to be turned on.

Until this January the greater Kapa'a area, with over 18,000 residents the largest community on Kaua'i had 2 working chargers in one location, now we have 3. A few that were installed in 2017 at the Coconut Marketplace are still off, another one by the Post Office was off for a year and has been turned on this January.

Typically 80% of EV charging takes place at home, it's easy and convenient for home owners. Sadly Hawaii's LMI/ALICE (Asset Limited, Income Constrained, Employed) communities don't have the luxury of home charging. For them working public chargers are even more important. The public charging infrastructure also benefits EV owners with older models with shorter range.

Please support HB756 so that counties can adopt ordinances to enforce the requirements of section 291-71.

Sonja Kass

Sonja Kass, President KauaiEV



TESTIMONY REGARDING SB 756
Senate Committee on Transportation
February 11, 2021 at 3:00 PM

Aloha Chair Lee, Vice Chair Inouye, and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 756, which includes provisions regarding EV charging enforcement, charging standards, and penalties. We support SB 756 and suggest the following friendly amendments to strengthen it:

- Current law (section 291-71(a)) requires, by July 1, 2012, “places of public accommodation” with at least 100 publicly accessible parking spaces to designate at least one space for exclusive EV charging; this space must be equipped with an EV “charging system”, as defined. Eight years have passed since this requirement took effect and the penetration of EVs in the state, just in the past year alone, has grown substantially. As vehicle manufacturers introduce more and more EVs to the market, it is sensible and prudent for the Legislature to revisit this requirement. Accordingly, we respectfully suggest that the bill increase this requirement to at least five EV parking spaces.

Thank you for considering this testimony.



SENATE COMMITTEE ON TRANSPORTATION

February 11, 2021, 3:00 P.M.

Video Conference

TESTIMONY IN SUPPORT OF SB 756

Aloha Chair Lee, Vice Chair Inouye, and members of the Committee:

Blue Planet Foundation **supports SB 756**, which boosts the effectiveness of Hawai'i's existing law that requires parking lots with 100 or more stalls to have electric vehicle (EV) charging by clarifying that (1) the counties in Hawai'i have the authority to adopt ordinances to enforce the existing requirements, (2) chargers must be reasonably maintained, and (3) installed chargers must be at least Level 2 chargers and internet-capable.

Since 2012, Hawai'i law has required that publicly accessible parking lots with 100 or more stalls have a least one EV charging station.¹ An earlier version of the law, enacted in 2009, required that parking lots have an EV charging port per every 100 stalls, but the requirement was softened to its existing threshold in 2012. Although a number of retailers have stepped up to offer EV charging equipment to their customers, many other properties have not complied or have not kept up with maintenance of their charging equipment. The existing law lacks an enforcement provision to ensure that businesses with publicly accessible parking lots are in compliance with the requirements in HRS § 291-171. In fact, a study conducted by Blue Planet in 2017 found that only about 25% of properties that were required to have at least one charging station actually had one in working order. Although that percentage may have slightly changed or increased, we have not seen such a drastic increase in publicly accessible charging stations to suggest that we are anywhere near full compliance.

Electric vehicles are the fastest growing segment of new cars in Hawai'i, even during a global pandemic. Over the past year (January 2020 – January 2021), EV registrations in Hawai'i grew 23.5%, while registrations of gasoline-powered vehicles dropped 3.2%.² Even as the number of EVs in the state increases steadily, adequate and accessible vehicle charging infrastructure remains a roadblock to widespread EV adoption—a problem HRS § 291-171 sought to address when it was enacted in its original form by the legislature *twelve years ago*.

The low level of compliance and lack of upkeep of chargers required in HRS § 291-71 is at odds with the legislature's intent for the law when it was first enacted in 2009. The legislature noted

¹ Hawai'i Revised Statutes (HRS) § 291-71 (2012).

² DBEDT Monthly Energy Trends, January 2021 (<http://dbedt.hawaii.gov/economic/energy-trends-2/>).

boldly in its preamble that “it is essential for the State to aggressively promote and develop alternatives to fossil fuel modes of transportation.”³ In addition, the legislature found that, “developing an electric vehicle infrastructure is a first and essential step toward the transformation of transportation in Hawaii” and that with “developing technology, along with a push by national and international automakers to expedite the production and supply of electric vehicles, Hawaii must be ready to embrace a new generation of highway transportation.”⁴

Unfortunately, we are far from the readiness envisioned back then. As legislators identified more than a decade ago, Hawai'i needs a robust public charging network to provide convenient charging and clean mobility options that are available to all Hawai'i residents, not just those that can charge their EVs at home. In addition, by adding a clarification that the installed chargers be at least Level 2 chargers, SB 756 can help ensure that publicly accessible charging stations offer meaningful charging options as opposed to “trickle charging” that is impractical for most drivers. And with internet capabilities, Level 2 chargers provide an opportunity to use vehicle charging for utility demand response or load control programs.

Senate Bill 756 adds important clarifications to Hawai'i's existing charger requirement so that it may fully realize the original legislative intent behind the law. We respectfully request that the Committee forward SB 756.

Thank you for the opportunity to provide testimony.

³ Act 156, Session Laws of Hawai'i 2009.

⁴ *Id.*



**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 11, 2021
Re: SB 756 Relating to Electric Vehicles**

Good afternoon Chairperson Lee and members of the Senate Committee on Transportation. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are OPPOSED to SB 756 Relating to Electric Vehicles. This measure authorizes each county to adopt ordinances to enforce section 291-71, HRS, including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain electric vehicle (EV) charging stations in working order; clarifies that certain enforcement officers may enter private property to enforce EV parking space violations; and requires new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and internet-capable

We would prefer that there be a statewide law with regards to Electric Vehicles. While we understand the want for penalties for compliance and regarding maintaining EV chargers. Retailers have always tried to maintain the mandated EC chargers on our properties. We would also like to point out that many of our members have found EV drivers in the surrounding neighborhood and condominiums come to plug into the retailers charging stations to avoid increasing their electric bill at home or because their complex does not have the ability to charge the EV. Furthermore, these residents leave their cars charging AND are not shopping in the stores while their batteries are being recharged. Thus, these residents are taking away the EV stall from customers coming to shop. We have also found that many of the EV chargers are deliberately broken and vandalized by those cannot charge because the stall is in use by someone else.

Shopping Centers and retailers often try to maintain the customers' expectations and needs. While retailer locations try to maintain the chargers, it becomes costly if they are constantly deliberately broken. There is time when a technician from out of state needs to come in to fix the unit. Penalizing businesses is unfair. However, for some the constant repair of the vandalized and damaged EV chargers adds up into the tens of thousands of dollars. Some of the EV chargers are not owned by the retailer or shopping center but a third party who is responsible for the maintenance.

We question if enforcement officers are really going to determine if parking lots are complying when the larger problem that is facing retailers and the community is theft, homelessness, and safety issues. Are they going to physically count all the stalls to determine if the lot is complying? Who is these volunteer enforcement officers and who is going to be liable for them in the private parking lots? Why are the enforcement officers not concentrating on catching those who are deliberately breaking the EV chargers or who are not customers of the center or who have overstayed in the stall?

Mahalo again for this opportunity to testify.

SB-756

Submitted on: 2/9/2021 8:08:03 PM

Testimony for TRS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Geiken Westerberg	Individual	Support	No

Comments:

"Dear Chair Lee, Vice-Chair Inouye, and Transportation Committee members,

I am a constituent and an electric vehicle owner on Kauai. I strongly support Bill **SB756**.

I am asking to put some teeth into the law that chargers must be installed **and add they must be turned on and in working order**. The reason is because people who rent are buying EV's and they don't have a place to charge them.

Are not all our counties committed to 100% renewable transportation? The single most important factor is the lack of working public car chargers.

Why are so many chargers installed but never turned on? Why are so many chargers not operating due to maintenance issues? How many times do we have to ask managers about chargers that are not functioning to get results? How can our county solve these problems? How can we the citizens solve these problems?

I have met two people living out of their car and know personally others who rent and do not have a place to charge there electric vehicle.

For my grandchildren's sake please get this done so they don't have to live in a climate hell.

Sharon Geiken Westerberg
5102 Kahana St
Kapaa, HI 96746"

SB-756

Submitted on: 2/9/2021 8:18:11 PM

Testimony for TRS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
GORAN RAD	Individual	Support	No

Comments:

Dear Chair Lowen, Vice Chair Marten, and EEP Committee members,

On behalf of KauaiEV, a grassroots organization with over 100 members on Kauai, I write **in strong support of SB756**.

Our members are electric vehicle drivers, and we believe that EVs are the personal transportation of the future. EVs are very efficient, and several of our members get 170 - 180 miles per gallon equivalent, so EVs are far less polluting and cheaper over their lifetime.

The International Energy Association recommends a ratio of 10 EVs to 1 working charger - Hawaii's lack of working chargers is a real obstacle to EV adoption. Charge anxiety is a big a problem for potential EV buyers, EV-driving renters and condo-dwellers. 4 of our members had to sell their EVs because they had no way to keep them charged.

A 2017 EVSE study conducted by the Blue Planet Foundation only 19% (Hawaii county) to 26% (Maui) of properties over 100 parking stalls complied with the requirement to install an EV charger.

On Kaua'i about 25% of the public chargers are turned off, in disrepair, not functioning or throttled to artificially slow down charging. At times this percentage is even higher. After talking to EV drivers on other islands I believe the problem exists statewide. Even the county of Kauai throttles their chargers. When EV drivers inquired why the EV chargers were not working they were told there was no law that required them to be turned on.

Until this January the greater Kapa'a area, with over 18,000 residents the largest community on Kaua'i had 2 working chargers in one location, now we have 3. A few that were installed in 2017 at the Coconut Marketplace are still off, another one by the Post Office was off for a year and has been turned on this January.

Typically 80% of EV charging takes place at home, it's easy and convenient for home owners. Sadly Hawaii's LMI/ALICE (Asset Limited, Income Constrained, Employed) communities don't have the luxury of home charging. For them working public chargers

are even more important. The public charging infrastructure also benefits EV owners with older models with shorter range.

Please support SB756 so that counties can adopt ordinances to enforce the requirements of section 291-71.

SB-756

Submitted on: 2/9/2021 11:42:10 PM

Testimony for TRS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Richard Kass	Individual	Support	No

Comments:

Dear Chair Chris Lee, Vice Chair Lorraine R. Inouye, and Committee on Transportation members,

As an EV driver on Kaua'i, I am writing in strong support of SB756. Hawai'i's counties are all facing different situations with regards to EV charging regulations, and this bill lets them take reasonable and appropriate enforcement actions.

Here in Kapa'a, the most populous town on Kaua'i, we have a low number of chargers, several that don't work, and some that were never turned on. I know renters who rely on public chargers and struggle to keep their EV charged to get to and from work. And because there are fewer chargers, they are more often occupied.

Even though I am fortunate to own a home and charge in my driveway, I still use public chargers when my battery runs low—the time when you least want to find a blocked or broken charger.

Hawai'i had the foresight to mandate chargers in large parking lots, but there seems to be no consequences for non-compliance. The broken and missing chargers are limiting EV adoption, especially for renters and apartment/condo dwellers. Blue Planet Foundation's EVSE study (http://kauaiev.org/wp-content/uploads/2021/02/EVSE_Study_3.27.pdf) showed less than 25% compliance with the requirement of HRS § 291-71, meaning 75% of the property owners ignored the law.

Please pass this bill so that counties can make and enforce reasonable ordinances to keep clean and renewable transportation feasible for all.

Mahalo,

Andrew R. Kass
302 Makani Rd, Kapaa, HI 96746
Hawaii Resident since 2003 and EV driver since 2014

SB-756

Submitted on: 2/10/2021 7:53:58 AM

Testimony for TRS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Walsh	Individual	Support	No

Comments:

Dear Chair Lee, Vice Chair Inouye, and TRS Committee members:

As a Kauai EV driver, I am writing in support of HB803 / SB756 [Electric Vehicles; Charging Stations; Enforcement] for the following reasons:

- Electric cars are the future of personal vehicles, and are necessary to help Hawaii reach our climate goals and cut dangerous air pollution. Analysts have forecasted exponential growth in EVs and we therefore need to plan ahead and make sure there are working chargers.
- Typically 80% of EV charging takes place at home, but many EV drivers (condo owners, renters) don't have the luxury of home charging. For them working public chargers are critical.
- On Kauai, at any given time 20-30% of the public chargers are off, broken, down or throttled to artificially slow down charging. On more than one occasion, station owners and facilities managers have told EV drivers that there is no law that says the charging stations need to be on or repaired.

SB756 is needed to use the power of enforcement to ensure electric vehicle (EV) charging stations are in working order.

Thank you.

Nancy E. Walsh

Kapaa, HI

LATE

SB-756

Submitted on: 2/10/2021 4:17:50 PM

Testimony for TRS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Don Couch	Individual	Support	No

Comments:

I strongly support his bill.

I would like to suggest a revision: 291-71 (b) Effective _____, each new electric vehicle charging system installed or placed in service pursuant to this section shall **include at least one** level 2 charging station that is capable of connecting to the Internet.

I suggest this change because the vast majority of plug-in vehicles accept a level 2 charge while a smaller amount accept a level 3 charge (super fast). A lot of the older vehicle that accept a level 3 charge do not encourage the faster charge very often as it degrades the battery rather quickly. If a location were to choose only one type of charger it should be a level two. There are several locations on Maui where only level 3 chargers are available and they are not used as often as chargers with a level 2 type plug.

Mahalo