
A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

1 SECTION 1. The legislature finds that unabated greenhouse
2 gas emissions, and resulting climate change and sea level rise,
3 present an urgent and existential threat to citizens of the
4 State. The State has committed to mitigating the impacts of
5 climate change. Chapter 225P, Hawaii Revised Statutes,
6 established a statewide target to become net carbon negative as
7 quickly as practicable but no later than 2045. In addition, the
8 mayors from each county have pledged to reduce the State's
9 dependence on fossil fuels by eliminating fossil fuels from
10 ground transportation by 2045. These efforts, however, must be
11 accelerated.

12 The purpose of this Act is to advance the State's climate
13 change mitigation commitment by requiring the state and counties
14 to upgrade to zero emission buses by 2045.

15 SECTION 2. Section 51-1, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "**§51-1 Grant of powers.** Every county of this State may
2 acquire, condemn, purchase, lease, construct, extend, own,
3 maintain, and operate mass transit systems, including~~[, without~~
4 ~~being]~~, but not limited to~~[,]~~ motor buses, street railroads,
5 fixed rail facilities such as monorails or subways, whether
6 surface, subsurface, or elevated, taxis, and other forms of
7 transportation for hire for passengers and their personal
8 baggage.

9 Every county shall have power to provide mass
10 transportation service, whether directly, jointly, or under
11 contract with private parties, without the county or private
12 parties being subject to the jurisdiction and control of the
13 public utilities commission in any manner.

14 ~~[The terms "mass transit" and "mass transportation" mean~~
15 ~~transportation by bus, or rail or other conveyance, either~~
16 ~~publicly or privately owned, which provides to the public~~
17 ~~general or special service (but not including school buses or~~
18 ~~charter or sightseeing service) on a regular and continuing~~
19 ~~basis.]~~

20 Beginning January 1, 2045, any county operating mass
21 transit services pursuant to this chapter shall not use or



1 employ any motor bus unless the motor bus is a zero emissions
2 bus. As used in this section:

3 "Mass transit" or "mass transportation" mean transportation
4 by bus, or rail or other conveyance, either publicly or
5 privately owned, which provides to the public general or special
6 service (but not including school buses or charter or
7 sightseeing service) on a regular and continuing basis.

8 "Pollutant" means hydrocarbons, carbon monoxide, carbon
9 dioxide, nitrogen oxides, and lead.

10 "Zero emission bus" means a motor bus that produces zero
11 exhaust emissions of any pollutant and includes battery-electric
12 powered buses and hydrogen fuel cell-electric powered buses, but
13 does not include any vehicle, locomotive, or car operated
14 exclusively on a rail or rails.

15 This section shall not be applied so as to impair any
16 contract existing as of the date of enactment of this section,
17 or operative portion thereof, in a manner violative of either
18 the Hawaii State Constitution or Article I, section 10, of the
19 United States Constitution."

20 SECTION 3. Section 103D-211, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§103D-211 Procurement rules.** (a) The procurement policy
2 board shall adopt all rules necessary to carry out the purposes
3 of this chapter and to implement its provisions in accordance
4 with chapter 91. The policy board shall not delegate its power
5 to adopt rules.

6 (b) Regarding the procurement of motor vehicles capable of
7 transporting more than fifteen passengers, the procurement
8 policy board shall promptly adopt all rules necessary to
9 transition to one hundred per cent zero emission buses as
10 quickly as possible, but no later than January 1, 2045.

11 As used in this subsection:

12 "Pollutant" means hydrocarbons, carbon monoxide, carbon
13 dioxide, nitrogen oxides, and lead.

14 "Zero emission bus" means a motor vehicle capable of
15 transporting more than fifteen passengers that produces zero
16 exhaust emissions of any pollutant and includes battery-
17 electric powered buses and hydrogen fuel cell-electric powered
18 buses, but does not include any vehicle, locomotive, or car
19 operated exclusively on a rail or rails.



1 [~~(b)~~] (c) No rule shall change any commitment, right, or
2 obligation of the State or of a contractor under a contract in
3 existence on the effective date of such rule."

4 SECTION 4. Section 302A-407, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Any school bus contract between the State and the
7 contractor shall include a provision requiring the contractor to
8 equip the contractor's vehicles with the signs and visual
9 signals described in section 291C-95(d) and (g). The contract
10 shall also include other provisions as may be deemed necessary
11 by the State for the safety of school bus passengers and shall
12 include provisions requiring compliance with the rules and
13 standards described in section 286-181. Beginning July 1, 2024,
14 the State shall not enter into any school bus contract for a
15 term that extends past January 1, 2045, unless the bus that is
16 the subject of the contract is a zero emission bus. Beginning
17 January 1, 2045, the State shall not enter into any school bus
18 contract unless the bus that is the subject of the contract is a
19 zero emission bus.

20 As used in this subsection:



1 "Pollutant" means hydrocarbons, carbon monoxide, carbon
2 dioxide, nitrogen oxides, and lead.

3 "Zero emission bus" means a motor bus that produces zero
4 exhaust emissions of any pollutant and includes battery-
5 electric powered buses and hydrogen fuel cell-electric powered
6 buses, but does not include any vehicle, locomotive, or car
7 operated exclusively on a rail or rails."

8 SECTION 5. The public utilities commission shall amend the
9 commission's administrative rules to encourage motor carriers to
10 upgrade to zero emission buses by 2045.

11 SECTION 6. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 7. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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



Report Title:

Climate Change; Mass Transit; Counties; Zero Emissions

Description:

Requires the state and counties to upgrade to zero emission buses by 2045. (SD1)

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

