

ACT 143

S.B. NO. 661

A Bill for an Act Relating to Fuel Cell Electric Vehicles.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 103D-412, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

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

- (1) Electric or plug-in hybrid electric vehicles[;] and fuel cell electric vehicles;
  - [(2)] Hydrogen or fuel cell vehicles;
  - [(3)] (2) Other alternative fuel vehicles;
  - [(4)] (3) Hybrid electric vehicles; and
  - [(5)] (4) Vehicles that are identified by the United States Environmental Protection Agency in its annual “Fuel Economy Leaders” report as being among the top performers for fuel economy in their class.
- (c) For the purposes of this section:  
 “Agency” means a state agency, office, or department.

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

“Covered fleet” has the same meaning as contained in 10 Code of Federal Regulations Part 490 Subpart C.

“Excluded vehicles” has the same meaning as provided in 10 Code of Federal Regulations section 490.3.

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.

“Light-duty motor vehicle” has the same meaning as contained in 10 Code of Federal Regulations Part 490, not including any vehicle incapable of traveling on highways or any vehicle with a gross vehicle weight rating greater than eight thousand five hundred pounds.”

SECTION 2. Section 291-71, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) For the purposes of this section:

“Electric vehicle” means:

- (1) A neighborhood electric vehicle as defined in section 286-2; [øø]
- (2) A vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity[-]; or
- (3) A fuel cell electric vehicle.

“Electric vehicle charging system” means a system that:

- (1) Is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- (2) Meets recognized standards, including standard SAE J1772 of SAE International; and
- (3) Is designed and installed in compliance with article 625 of the National Electrical Code[-];

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

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.

“Place of public accommodation” has the same meaning as that provided in section 489-2.”

SECTION 3. Act 168, Session Laws of Hawaii 2012, is amended by amending subsection (d) of section 2 to read as follows:

“(d) For the purposes of this Act:

“Electric vehicle” means:

- (1) A neighborhood electric vehicle; [øø]
- (2) A vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity[-]; or
- (3) A fuel cell electric vehicle.

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.”

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

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

(Approved June 26, 2019.)