

# S.B. NO. 1243

JAN 26 2011

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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION ENERGY INITIATIVES.

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

1 SECTION 1. The purpose of this Act is to increase the  
2 availability of facilities to support electric vehicles by  
3 amending Section 291, Hawaii Revised Statutes, and to  
4 incorporate elements of Act 290, Session Laws of Hawaii 1997,  
5 into Section 286 of the Hawaii Revised Statutes.

6 SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 ""§286- Electric Vehicles. (a) The department of  
10 transportation may adopt rules pursuant to chapter 91 for the  
11 registration of, and issuance of an electric vehicle license  
12 plate for, an electric vehicle.

13 An electric vehicle on which an electric vehicle license  
14 plate is affixed shall be exempt from the payment of parking  
15 fees charged by any city, state, or county governmental entity,  
16 including those collected through parking meters, except when  
17 parked at an electric vehicle charging station.

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1        For the purpose of this section, "electric vehicle" means  
2        (1) a neighborhood electric vehicle; or (2) a vehicle, with four  
3        or more wheels, that draws propulsion energy from a battery with  
4        at least five kilowatt hours of energy storage capacity that can  
5        be recharged from an external source of electricity."

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

8        "[~~§~~291-71~~]~~    **Designation of parking spaces for electric**  
9        **vehicles; charging units.** All [~~public, private, and government~~]  
10       parking facilities, including parking lots and parking  
11       structures, that [are available for use by the general public  
12       and] have at least one hundred parking spaces available for  
13       public accommodation shall designate one per cent of those  
14       public parking spaces exclusively for electric vehicles by  
15       [~~December 31, 2011,~~ July 1, 2012, provided that at least one of  
16       the parking spaces designated for electric vehicles is [~~located~~  
17       ~~near the building entrance and is~~] equipped with an electric  
18       vehicle charging [~~unit.~~] system. Spaces shall be designated,  
19       clearly marked, and the exclusive designation enforced. [~~The~~  
20       ~~electric vehicle charging units shall meet recognized standards,~~  
21       ~~including SAE J1772 of the Society of Automotive Engineers.]~~  
22       Owners of multiple parking [~~lots~~] facilities within the State

1 may designate and electrify fewer parking spaces than required  
2 in one or more of their owned properties as long as the  
3 scheduled requirement is met for the total number of aggregate  
4 spaces on all of their owned properties.

5 ~~[When the number of registered electric vehicles in the  
6 State reaches five thousand, the spaces designated for electric  
7 vehicles shall increase to two per cent of parking spaces. The  
8 number of spaces designated for electric vehicles shall continue  
9 to increase by one per cent for each additional five thousand  
10 electric vehicles registered in the State until the percentage  
11 reaches ten per cent of parking spaces.]~~

12 For the purposes of this section, "electric vehicle" means  
13 an electric vehicle or neighborhood electric vehicle with an  
14 electric vehicle license plate.

15 "Electric vehicle charging system" means a system that is  
16 designed in compliance with article 625 of the National  
17 Electrical Code and delivers electricity from a source outside  
18 an electric vehicle into one or more electric vehicles. An  
19 electric vehicle charging system may include several charge  
20 points simultaneously connecting several electric vehicles to  
21 the system."

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1 SECTION 4. Section 291-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§291-72[+] **Parking spaces reserved for electric**  
4 **vehicles; penalties.** (a) Beginning [~~January 1, 2012,~~] January  
5 1, 2013, any person who parks a non-electric vehicle in a space  
6 designated and marked as reserved for electric vehicles shall  
7 receive a warning.

8 (b) Beginning July 1, 2013, any person who parks a non-  
9 electric vehicle in a space designated and marked as reserved  
10 for electric vehicles shall be guilty of a traffic infraction  
11 under chapter 291D and shall be fined not less than \$50 nor more  
12 than \$100, and shall pay any costs incurred by the court related  
13 to assessing the fine.

14 (c) Any citation issued under this section may be mailed  
15 to the violator pursuant to section 291C-165(b)."

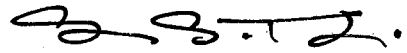
16 SECTION 5. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

SB. NO. 1243

**Report Title:**

Electric vehicles

**Description:**

Clarifies the electric vehicle parking requirement.

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO  
TRANSPORTATION ENERGY INITIATIVES.

PURPOSE: To enable the transition to alternative fuel transportation use and acceptance by facilitating infrastructure implementation and incentives for electric vehicle use by the general public; and to increase the availability of facilities to support electric vehicles by amending sections in chapter 291, Hawaii Revised Statutes, and by incorporating elements of Act 290, Session Laws of Hawaii 1997, into chapter 286, Hawaii Revised Statutes.

MEANS Add a new section to chapter 286 and amend sections 291-71 and 291-72, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Ambiguous language in section 291-7 has impeded electric vehicle roll-out and EV charging equipment implementation. Act 290, Session Laws of Hawaii 1997, was never codified, making the law difficult to find and reference. Sections 3 and 4 of Act 290 are still law; however, section 5 sunsetted in 2002. Frequent requests for interpretation regarding language in section 291-4, HRS and Act 290 have been requested by the public and industry. However, the measures within these sections are instrumental and critical to electric vehicle adoption and rollout in Hawaii, but require clarification and inclusion into the Hawaii Revised Statutes.

Impact on the public: Positive; by facilitating the early adoption and successful deployment of electric vehicles.

Impact on the department and other agencies: County Police department

enforcement requirement. Parking lot owner implementation requirement.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED 120

OTHER AFFECTED  
AGENCIES: Department of Transportation, County Police  
Departments.

EFFECTIVE DATE: Upon approval.