A BILL FOR AN ACT

RELATING TO VEHICLES.

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

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

SECTION 2. Section 103D-412, Hawaii Revised Statutes, is amended to read as follows:
§103D-412 Light-duty motor vehicle requirements[.]

citizen suits. (a) The procurement policy for all agencies purchasing or leasing light-duty motor vehicles shall be to reduce dependence on petroleum for transportation energy.

(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) Other alternative fuel vehicles;

(3) Hybrid electric vehicles; and

(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) Beginning January 1, 2022, one hundred percent of vehicles purchased or leased by an agency shall be non fossil fuel powered vehicles, subject to the exemptions set forth in subsections (e) and (f). Procurement funds for an agency's...
light-duty motor vehicles shall be withheld if an agency violates this subsection.

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.

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

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

(f) Vehicles acquired from another state agency and excluded vehicles are exempt from the requirements of this section.

(g) Nothing in this section is intended to interfere with the ability of a covered fleet to comply with the vehicle
purchase mandates required by 10 Code of Federal Regulations Part 490 Subpart C.

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

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

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

The injunctive relief provided by this section shall not restrict any right that any person or class of persons may have
under any other law, including common law, to seek enforcement
of any standard or limitation or to seek any other relief,
including relief against any agency."

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

"§291-71 Designation of parking spaces for electric
vehicles; provision of electric vehicle
charging equipment. (a) A parking facility with at least one hundred public parking spaces
available for use by the general public shall provide
electric vehicle charging equipment to at least one parking
space designated exclusively for electric vehicles and equipped
with an electric vehicle charging system located anywhere in the
parking structure or lot by July 1, 2012[7]. Parking spaces
designated for electric vehicles may be located anywhere within
the parking facility and may require payment for use, provided
that no parking space designated for electric vehicles shall
displace or reduce accessible stalls required by the Americans
with Disabilities Act Accessibility Guidelines. Spaces shall be
designated, clearly marked, and the exclusive designation
enforced. [Owners of multiple parking facilities within the
State may designate and electrify fewer parking spaces than required in one or more of their owned properties; provided that the scheduled requirement is met for the total number of aggregate spaces on all of their owned properties. If a parking facility is owned, leased, or managed by multiple entities, the owners, lessees, or managers, as applicable, shall be jointly responsible for complying with this section.

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

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

(d) For the purposes of this section:

"Electric vehicle" means:

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

(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 equipment" 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.]
"Parking facility" means all parking spaces within a single parking garage or a contiguous parking lot; provided that shared parking lots that:

1. Serve multiple businesses or uses;
2. Span multiple tax parcels; or
3. Have multiple owners or lessees that are not separated by public roadways,

shall be considered a single parking facility.

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

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

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

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