

1 "Alternative energy light-duty motor vehicle" means a motor
2 vehicle that is:

3 (1) Capable of using an alternative fuel as defined in
4 section 243-1;

5 (2) Powered primarily through the use of an electric
6 battery or battery pack that stores energy produced by
7 an electric motor through regenerative braking to
8 assist in vehicle operation;

9 (3) Propelled by power derived from one or more cells
10 converting chemical energy directly into electricity
11 by combining oxygen with hydrogen fuel that is stored
12 on board the vehicle in any form; or

13 (4) Propelled by energy from onboard sources of stored
14 energy generated from an internal combustion or heat
15 engine using combustible fuel and a rechargeable
16 energy storage system.

17 "Ethanol 85" means a petroleum-derived fuel and alcohol
18 liquid fuel mixture consisting of at least eighty-five per cent
19 ethanol by volume.

20 "Flexible fuel light-duty motor vehicle" means a light-duty
21 motor vehicle that is capable of operation using gasoline and
22 ethanol 85.



1 "Light-duty motor vehicle" means a motor vehicle, as
2 defined in section 249-1, designed for carrying twelve or fewer
3 passengers.

4 § -2 **Sale or lease of flexible fuel or alternative**
5 **energy light-duty motor vehicles.** (a) Except as provided in
6 subsection (b), after December 31, 2009, no person shall sell,
7 lease, or attempt to sell or lease, a light-duty motor vehicle
8 to another person within this State unless the light-duty motor
9 vehicle is a flexible fuel light-duty motor vehicle or an
10 alternative energy light-duty motor vehicle.

11 (b) This section shall not prohibit the sale, lease, or
12 attempted sale or lease of a light-duty motor vehicle that is
13 not a flexible fuel or alternative energy light-duty motor
14 vehicle that was physically present within the State on or
15 before December 31, 2009.

16 § -3 **Penalty.** Any person who violates section -2
17 shall be fined not less than \$1,000 for each violation. In
18 addition, any of the following shall be subject to forfeiture
19 under Chapter 712A:

- 20 (1) Proceeds from a sale or lease of a light-duty motor
21 vehicle; and

1 (2) Light-duty motor vehicle sold, leased, or attempted to
 2 be sold or leased
 3 in violation of this chapter.

4 § -4 **Monitoring and enforcement; rules.** (a) The
 5 department of business, economic development, and tourism shall
 6 monitor and enforce compliance with this chapter. The
 7 department shall report any alleged or suspected violation that
 8 cannot be resolved by voluntary action of the alleged violator
 9 to the department of the attorney general for prosecution.

10 (b) The director of business, economic development, and
 11 tourism shall adopt rules in accordance with chapter 91 to carry
 12 out the effect of this chapter."

13 SECTION 3. Chapter 437D, Hawaii Revised Statutes, is
 14 amended by adding a new section to be appropriately designated
 15 and to read as follows:

16 "§437D- Addition or replacement of rental motor
 17 vehicle; flexible fuel or alternative energy vehicles. (a) For
 18 the purposes of this section, unless the context clearly
 19 requires otherwise:

20 "Alternative energy motor vehicle" means a motor vehicle
 21 that is:



- 1 (1) Capable of using an alternative fuel as defined in
2 section 243-1;
- 3 (2) Powered primarily through the use of an electric
4 battery or battery pack that stores energy produced by
5 an electric motor through regenerative braking to
6 assist in vehicle operation;
- 7 (3) Propelled by power derived from one or more cells
8 converting chemical energy directly into electricity
9 by combining oxygen with hydrogen fuel that is stored
10 on board the vehicle in any form; or
- 11 (4) Propelled by energy from onboard sources of stored
12 energy generated from an internal combustion or heat
13 engine using combustible fuel and a rechargeable
14 energy storage system.

15 "Ethanol 85" means a petroleum-derived fuel and alcohol
16 liquid fuel mixture consisting of at least eighty-five per cent
17 ethanol by volume.

18 "Flexible fuel motor vehicle" means a motor vehicle that is
19 capable of operation using gasoline and ethanol 85.

20 (b) After December 31, 2009, it shall be a violation of
21 this section for a lessor to add or replace a motor vehicle to
22 the lessor's rental motor vehicle fleet unless the added or



1 replacement motor vehicle is a flexible fuel motor vehicle or
2 alternative energy motor vehicle; provided that this section
3 shall not prohibit a lessor from continuing to use in the
4 lessor's rental motor vehicle fleet any motor vehicle that is
5 not a flexible fuel motor vehicle or an alternative energy motor
6 vehicle if that motor vehicle was part of the lessor's fleet and
7 physically within the State on or before December 31, 2009.

8 (c) Any person who violates this section shall be fined
9 not less than \$1,000 for each violation. Any motor vehicle that
10 is added to a rental fleet as an additional or replacement motor
11 vehicle in violation of this section shall be subject to
12 forfeiture under chapter 712A."

13 SECTION 4. Section 437D-19, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§437D-19 Civil penalties.** Any person who violates or
16 attempts to violate any provision of this chapter, other than
17 section 437D- , shall be deemed to have engaged in an unfair
18 and deceptive act or practice in the conduct of trade or
19 commerce within the meaning of section 480-2."

20 SECTION 5. New statutory material is underscored.

21

22



H.B. NO. 1110

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

2

INTRODUCED BY:

Calvin H. Ay
St. J. Q.
J. R. K...

JAN 22 2007



Report Title:

Energy-Conserving Motor Vehicles; New Sales

Description:

After 12/31/2009, prohibits: (1) sale or lease of motor vehicles that do not use flexible fuel or alternative energy fuel; and (2) purchase or replacement of rental motor vehicles that do not use flexible fuel or alternative energy fuel. Imposes penalties. Requires department of business, economic development, and tourism to monitor sales and leases of cars.

