

---

---

# A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 PART I

2 SECTION 1. The legislature finds that the electric vehicle  
3 charging system rebate program, established pursuant to Act 142,  
4 Session Laws of Hawaii 2019, provides rebates for the  
5 installation of electric vehicle charging systems in priority  
6 locations, including for multi-unit dwellings, workplaces, and  
7 commercial areas, and in places that serve vehicle fleets. The  
8 rebate program has proven to be very successful, with more than  
9 seventy new charging systems installed or in the pipeline that  
10 have been facilitated by the availability of these rebates. The  
11 limited amount of funding that was provided for this program at  
12 its inception has been depleted, and the legislature also finds  
13 that a sustainable source of funding for the electric vehicle  
14 charging system rebate program is necessary. There continues to  
15 be a need to incentivize the build-out of electric vehicle  
16 infrastructure as the electric vehicle market becomes more  
17 established in the State, and robust electric vehicle



1 infrastructure is needed to bring equity to the market and to  
2 make electric vehicles a viable choice for renters, condominium-  
3 dwellers, and low- and middle-income individuals and families.  
4 The legislature notes that the use of funds from the  
5 environmental response, energy, and food security tax is  
6 appropriate for this purpose and that the current allocations of  
7 the tax revenues can be adjusted to fund the electric vehicle  
8 charging system rebate program without impact to the general  
9 fund.

10 The legislature further finds that the existing  
11 requirements in section 291-71, Hawaii Revised Statutes, for the  
12 installation of one electric vehicle charging system in any  
13 parking lot of one hundred or more stalls in places of public  
14 accommodation has not always been followed and that some of the  
15 electric vehicle charging systems that have been installed  
16 pursuant to existing requirements are in disrepair. The  
17 legislature further notes that lacking any other means of  
18 enforcement, it is practicable to authorize the counties to  
19 adopt ordinances and penalties for enforcement as they see fit.



1 The purpose of this Act is to:

2 (1) Shift 1 cent of the environmental response, energy,  
3 and food security tax from the energy security special  
4 fund and 2 cents from the energy systems development  
5 special fund to a subaccount of the public utilities  
6 commission special fund to fund the electric vehicle  
7 charging system rebate program;

8 (2) Allow the counties to adopt ordinances to enforce  
9 provisions in section 291-71, Hawaii Revised Statutes;  
10 and

11 (3) Require that new electric vehicle charging systems  
12 installed pursuant to section 291-71, Hawaii Revised  
13 Statutes, are at least level 2 and network-capable.

14 PART II

15 SECTION 2. Section 243-3.5, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) In addition to any other taxes provided by law,  
18 subject to the exemptions set forth in section 243-7, there is  
19 hereby imposed a state environmental response, energy, and food  
20 security tax on each barrel or fractional part of a barrel of  
21 petroleum product sold by a distributor to any retail dealer or



1 end user of petroleum product, other than a refiner. The tax  
2 shall be \$1.05 on each barrel or fractional part of a barrel of  
3 petroleum product that is not aviation fuel; provided that of  
4 the tax collected pursuant to this subsection:

5 (1) 5 cents of the tax on each barrel shall be deposited  
6 into the environmental response revolving fund  
7 established under section 128D-2;

8 (2) [~~5~~] 4 cents of the tax on each barrel shall be  
9 deposited into the energy security special fund  
10 established under section 201-12.8;

11 (3) [~~10~~] 8 cents of the tax on each barrel shall be  
12 deposited into the energy systems development special  
13 fund established under section 304A-2169.1; [~~and~~]

14 (4) 15 cents of the tax on each barrel shall be deposited  
15 into the agricultural development and food security  
16 special fund established under section 141-10[~~-~~]; and

17 (5) 3 cents of the tax on each barrel shall be deposited  
18 into the electric vehicle charging system subaccount  
19 established pursuant to section 269-33(e).

20 The tax imposed by this subsection shall be paid by the  
21 distributor of the petroleum product."



1 SECTION 3. Section 269-33, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§269-33 Public utilities commission special fund. (a)**  
4 There is established in the state treasury a public utilities  
5 commission special fund to be administered by the public  
6 utilities commission. The proceeds of the fund shall be used by  
7 the public utilities commission and the division of consumer  
8 advocacy of the department of commerce and consumer affairs for  
9 all expenses incurred in the administration of chapters 269,  
10 271, 271G, 269E, and 486J, and for costs incurred by the  
11 department of commerce and consumer affairs to fulfill the  
12 department's limited oversight and administrative support  
13 functions; provided that the expenditures of the public  
14 utilities commission shall be in accordance with legislative  
15 appropriations. On a quarterly basis, an amount not exceeding  
16 thirty per cent of the proceeds remaining in the fund after the  
17 deduction for central service expenses, pursuant to  
18 section 36-27, shall be allocated by the public utilities  
19 commission to the division of consumer advocacy and deposited in  
20 the compliance resolution fund established pursuant to  
21 section 26-9(o); provided that all moneys allocated by the



1 public utilities commission from the fund to the division of  
2 consumer advocacy shall be in accordance with legislative  
3 appropriations.

4 (b) All moneys appropriated to, received, and collected by  
5 the public utilities commission that are not otherwise pledged,  
6 obligated, or required by law to be placed in any other special  
7 fund or expended for any other purpose shall be deposited into  
8 the public utilities commission special fund including, but not  
9 limited to, all moneys received and collected by the public  
10 utilities commission pursuant to sections 92-21, 243-3.5,  
11 269-28, 269-30, 271-27, 271-36, 271G-19, 269E-6, 269E-14,  
12 and 607-5.

13 (c) The public utilities commission shall submit an update  
14 as part of its annual report submitted pursuant to section 269-5  
15 detailing all funds received and all moneys disbursed out of the  
16 fund.

17 (d) All moneys in excess of \$1,000,000 remaining on  
18 balance in the public utilities commission special fund on  
19 June 30 of each year shall lapse to the credit of the state  
20 general fund[-]; provided that this ceiling shall not apply to  
21 the subaccount established in subsection (e).





1 The sum appropriated shall be expended by the public  
2 utilities commission for the purposes of this part.

3 PART IV

4 SECTION 6. Chapter 291, Hawaii Revised Statutes, is  
5 amended by amending the title of part IV to read as follows:

6 "[+]PART IV. [~~MISCELLANEOUS~~] PARKING FOR ELECTRIC VEHICLES"

7 SECTION 7. Chapter 291, Hawaii Revised Statutes, is  
8 amended by adding a new section to part IV to be appropriately  
9 designated and to read as follows:

10 "§291- Ordinance to enforce authorized. Each county  
11 may adopt ordinances to enforce the requirements of  
12 section 291-71, including the establishment of penalties for  
13 failure to comply with the requirements of that section or  
14 maintain electric vehicle charging systems in working order."

15 SECTION 8. Section 291-71, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§291-71 Designation of parking spaces for electric  
18 [vehicles;] vehicle charging [system.] systems. (a) Places of  
19 public accommodation with at least one hundred parking spaces  
20 available for use by the general public shall have at least one  
21 parking space [~~exclusively for electric vehicles and~~] equipped



1 with an electric vehicle charging system located anywhere in the  
2 parking structure or lot [~~by July 1, 2012~~]; provided that no  
3 parking space designated for electric vehicles shall displace or  
4 reduce accessible stalls required by the Americans with  
5 Disabilities Act Accessibility Guidelines[-]; provided further  
6 that no vehicle shall be permitted to park in a parking space  
7 equipped with an electric vehicle charging system while not  
8 actively charging. Spaces shall be designated, clearly marked,  
9 and the exclusive designation enforced. Owners of multiple  
10 parking facilities within the State may designate and electrify  
11 fewer parking spaces than required in one or more of their owned  
12 properties; provided that the scheduled requirement is met for  
13 the total number of aggregate spaces on all of their owned  
14 properties. Nothing in this section shall prohibit the owners  
15 of parking structures or lots from charging a fee for the use of  
16 an electric vehicle charging system.

17 (b) Effective January 1, 2022, each new electric vehicle  
18 charging system installed or placed in service pursuant to this  
19 section shall be at least a level 2 charging station that is  
20 network-capable.



1        (c) Electric vehicle charging systems shall be maintained  
2 in working order.

3        [~~(b) For the purposes of~~] (d) As used in this section:

4        "Electric vehicle" means:

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

13        "Electric vehicle charging system" means a system that:

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



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

4 "Fuel cell electric vehicle" means a zero-emission electric  
5 vehicle that uses a fuel cell to convert hydrogen gas and oxygen  
6 into electricity that is used in a vehicle powertrain for  
7 propulsion.

8 "Level 2 charging station" shall have the same meaning as  
9 "alternating current Level 2 charging station" in  
10 section 269-72.

11 "Place of public accommodation" has the same meaning as  
12 that provided in section 489-2."

13 SECTION 9. Section 291-72, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§291-72 Parking spaces reserved for electric vehicles [÷]**  
16 **and electric vehicle charging systems; penalties.** [(a)]

17 ~~Beginning January 1, 2013, any person who parks a non-electric~~  
18 ~~vehicle in a space designated and marked as reserved for~~  
19 ~~electric vehicles shall receive a warning.~~

20 ~~(b) Beginning July 1, 2013, any]~~ (a) Any person who parks  
21 a non-electric vehicle in a space designated and marked as



1 reserved for electric vehicles or parks any vehicle in a parking  
2 space equipped with an electric vehicle charging system while  
3 not actively charging shall be guilty of a traffic infraction  
4 under chapter 291D and shall be fined not less than \$50 nor more  
5 than \$100, and shall pay any costs incurred by the court related  
6 to assessing the fine.

7 [~~e~~] (b) Any citation issued under this section may be  
8 mailed to the violator pursuant to section 291C-165(b).

9 (c) Notwithstanding any law to the contrary, and in  
10 addition to any other authority provided by law that is not  
11 inconsistent with this section:

12 (1) A law enforcement officer may access the property of a  
13 private entity to enforce the provisions of this part;  
14 and

15 (2) A commissioned volunteer enforcement officer may  
16 access the property of a private entity to enforce the  
17 provisions of this section; provided that the private  
18 entity's parking lot contains a parking space required  
19 by section 291-71."



1 PART V

2 SECTION 10. This Act does not affect rights and duties  
3 that matured, penalties that were incurred, and proceedings that  
4 were begun before its effective date.

5 SECTION 11. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 12. This Act shall take effect on July 1, 2021.



**Report Title:**

Electric Vehicle Charging System Rebate Program; Electric Vehicle Charging Systems; Electric Vehicle Parking Spaces; Enforcement; Appropriation

**Description:**

Allocates three cents of the barrel tax to fund the installation of electric vehicle (EV) charging systems. Establishes a subaccount in the public utilities commission special fund for the EV charging system rebate program. Reallocates a portion of the environmental response, energy, and food security tax to be deposited into the subaccount. Appropriates funds out of the energy security special fund for the EV charging system rebate program. Authorizes each county to adopt ordinances to enforce section 291-71, Hawaii Revised Statutes, including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain EV charging systems in working order. Establishes penalties for parking any vehicle in a parking space equipped with an electric vehicle charging system while not actively charging. Requires new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and network-capable beginning 1/1/2022. Clarifies that certain enforcement officers may enter private property to enforce EV parking space violations. (CD1)

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

