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## A BILL FOR AN ACT

RELATING TO ELECTRIC VEHICLES.

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

1 PART I

2 SECTION 1. Chapter 291, Hawaii Revised Statutes, is  
3 amended by amending the title of part IV to read as follows:

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

5 SECTION 2. Chapter 291, Hawaii Revised Statutes, is  
6 amended by adding a new section to part IV to be appropriately  
7 designated and to read as follows:

8 "§291- Ordinance to enforce authorized. Each county  
9 may adopt ordinances to enforce the requirements of section 291-  
10 71, including the establishment of penalties for failure to  
11 comply with its requirements or make reasonable efforts to  
12 maintain electric vehicle charging stations in working order."

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

15 "§291-71 Designation of parking spaces for electric  
16 vehicles; charging system. (a) Places of public accommodation  
17 with at least one hundred parking spaces available for use by



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1 the general public shall have at least one parking space  
2 exclusively for electric vehicles and equipped with an electric  
3 vehicle charging system located anywhere in the parking  
4 structure or lot by July 1, 2012; provided that no parking space  
5 designated for electric vehicles shall displace or reduce  
6 accessible stalls required by the Americans with Disabilities  
7 Act Accessibility Guidelines. Spaces shall be designated,  
8 clearly marked, and the exclusive designation enforced. Owners  
9 of multiple parking facilities within the State may designate  
10 and electrify fewer parking spaces than required in one or more  
11 of their owned properties; provided that the scheduled  
12 requirement is met for the total number of aggregate spaces on  
13 all of their owned properties.

14 (b) Effective \_\_\_\_\_, each new electric vehicle  
15 charging system installed or placed in service pursuant to this  
16 section shall be at least a level 2 charging station that is  
17 capable of connecting to the Internet.

18 (c) Reasonable efforts shall be made to maintain electric  
19 vehicle charging systems in working order.

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

21 "Electric vehicle" means:



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

3 (2) A vehicle, with four or more wheels, that draws  
4 propulsion energy from a battery with at least four  
5 kilowatt hours of energy storage capacity that can be  
6 recharged from an external source of electricity; or

7 (3) A fuel cell electric vehicle.

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

9 (1) Is capable of providing electricity from a non-vehicle  
10 source to charge the batteries of one or more electric  
11 vehicles;

12 (2) Meets recognized standards, including standard SAE  
13 J1772 of SAE International; and

14 (3) Is designed and installed in compliance with article  
15 625 of the National Electrical Code;

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

19 "Fuel cell electric vehicle" means a zero-emission electric  
20 vehicle that uses a fuel cell to convert hydrogen gas and oxygen



1 into electricity that is used in a vehicle powertrain for  
2 propulsion.

3 "Level 2 charging station" shall have the same meaning as  
4 "alternating current Level 2 charging station" in section 269-  
5 72.

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

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

10 "§291-72 Parking spaces reserved for electric vehicles;  
11 penalties. (a) Beginning January 1, 2013, any person who parks  
12 a non-electric vehicle in a space designated and marked as  
13 reserved for electric vehicles shall receive a warning.

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

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



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1        (d) Notwithstanding any law to the contrary, and in  
2 addition to any other authority provided by law that is not  
3 inconsistent with this section:

4        (1) A law enforcement officer may access the property of a  
5 private entity to enforce the provisions of this part;  
6 and

7        (2) A commissioned volunteer enforcement officer may  
8 access the property of a private entity to enforce the  
9 provisions of this section; provided that the private  
10 entity's parking lot contains a parking space required  
11 by section 291-71."

12        SECTION 5. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15        SECTION 6. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17        SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: *Nicole E. Lowe*

JAN 25 2021



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**Report Title:**

Electric Vehicles; Charging Stations; Enforcement

**Description:**

Authorizes each county to adopt ordinances to enforce section 291-71, HRS, including the establishment of penalties for failure to comply with its requirements or make reasonable efforts to maintain electric vehicle (EV) charging stations in working order. Clarifies that certain enforcement officers may enter private property to enforce EV parking space violations. Requires new EV charging systems installed pursuant to the EV charging system requirement to be at least Level 2 and internet-capable.

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

HB HMS 2021-0089

