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# A BILL FOR AN ACT

RELATING TO ENERGY.

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

1           SECTION 1. The legislature finds that climate change  
2 caused by carbon emissions from burning fossil fuels poses a  
3 serious threat to the economic well-being, public health,  
4 natural resources, and environment of Hawaii. The State has  
5 committed to eliminating fossil fuels from the electricity and  
6 ground transportation sectors, abiding by the Paris Climate  
7 Accord's goal to limit the amount of global warming to less than  
8 1.5 degrees Celsius, and achieving negative carbon emissions for  
9 Hawaii by 2045. The legislature also finds that meeting the  
10 State's clean energy goals and commitments necessitates the  
11 rapid transition to zero-emission vehicles that utilize local,  
12 renewable energy sources.

13           The legislature further finds that the number of electric  
14 vehicles in Hawaii is rising. As more electric vehicles come to  
15 market, the ranges of electric vehicles increase and the cost of  
16 electric vehicles decrease. The legislature also notes that the  
17 number of registered electric vehicles in Hawaii increased more



1 than thirty per cent during 2021, while the number of registered  
2 gasoline-powered vehicles has decreased.

3       The legislature believes that while there is a growing  
4 interest in electric vehicles among Hawaii residents, the lack  
5 of adequate vehicle charging infrastructure presents a key  
6 barrier to widespread adoption. Many Hawaii residents, such as  
7 renters and other residents living in apartment buildings and  
8 other multi-family dwellings, lack access to electric vehicle  
9 charging stations at home and at work because a vast majority of  
10 parking facilities in the State lack electric vehicle charging  
11 stations. In 2019, recognizing that a lack of charging  
12 infrastructure remains a barrier to more widespread adoption of  
13 electric vehicles, the legislature established an electric  
14 vehicle charging system rebate program to incentivize the  
15 installation of publicly available charging stations and  
16 charging stations that serve multiple tenants, employees, or  
17 customers, or electric vehicle fleets.

18       The legislature additionally finds that the continuation of  
19 the electric vehicle charging system rebate program is a  
20 critical component of the State's efforts to transition off of  
21 fossil fuels and achieve a carbon-negative economy by 2045.



1 Furthermore, the program should work in tandem with, and not  
2 duplicate, any available federal funding to further the goal of  
3 expanding the network of electric vehicle charging systems in  
4 the State. To ensure that the program is keeping pace with  
5 market and technology changes, periodic program adjustments may  
6 be needed from time to time. Flexibility in program  
7 implementation can help ensure that the program is adequately  
8 and sufficiently deploying rebates to priority locations in  
9 furtherance of the State's clean energy and carbon reduction  
10 goals, including in multi-family dwellings; at workplaces that  
11 can support daytime charging; in parking facilities that can  
12 support the visitor industry's transition to clean  
13 transportation, such as at hotels and rental car facilities; and  
14 in areas that will help to make the purchase of an electric  
15 vehicle a choice for Hawaii's low and moderate-income working  
16 families. Expanding rebate eligibility to a wider variety of  
17 electric vehicle charging systems can increase program  
18 participation and accelerate charging system deployment.

19 The purpose of this Act is to:

- 20 (1) Provide a rebate for new or upgraded Level 2 charging  
21 stations with one port;



1 (2) Eliminate the annual cap on rebates, but provide that  
2 rebates are subject to the availability of funds;

3 (3) Amend and add flexibility to the guidelines for  
4 consideration by the public utilities commission in  
5 administering the program;

6 (4) Increase the maximum percentage of rebate program  
7 appropriations that may be expended for administrative  
8 costs and allow for marketing and outreach expenses to  
9 be included among allowable program administration  
10 expenses; and

11 (5) Appropriate funds out of the electric vehicle charging  
12 system subaccount for the electric vehicle charging  
13 system rebate program.

14 SECTION 2. Section 269-72, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[~~§~~269-72~~]~~ **Electric vehicle charging system; rebate**  
17 **program.** (a) The public utilities commission, in consultation  
18 with electric vehicle stakeholders and the Hawaii state energy  
19 office, shall administer a rebate program that incentivizes the  
20 installation or upgrade of an electric vehicle charging system,  
21 as provided in this section, and may contract with a third-party



1 administrator pursuant to section 269-73 to operate and manage  
2 the rebate program.

3 (b) An applicant may be eligible for a rebate under the  
4 rebate program if the applicant:

5 (1) Installs a new electric vehicle charging system where  
6 none previously existed to either:

7 (A) An alternating current Level 2 station with [~~two~~]  
8 one or more ports that provide electricity to  
9 [~~two~~] one or more electric vehicles; or

10 (B) A direct current fast charging system; or

11 (2) Upgrades an existing electric vehicle charging system  
12 to either:

13 (A) An alternating current Level 2 station with two  
14 or more ports that provide electricity to two or  
15 more electric vehicles; or

16 (B) A direct current fast charging system.

17 (c) Subject to subsection [~~(d)~~], (f), rebates shall be  
18 distributed as follows:

19 (1) Each eligible installation of an electric vehicle  
20 charging system shall receive:



1           (A) Up to \$ \_\_\_\_\_ for the installation of an  
2                   alternating current Level 2 station with one  
3                   port;

4           [~~(A)~~] (B) Up to \$4,500 for the installation of an  
5                   alternating current Level 2 station with two or  
6                   more ports; and

7           [~~(B)~~] (C) Up to \$35,000 for the installation of a  
8                   direct current fast charging system; and

9           (2) Each eligible upgrade of an electric vehicle charging  
10               system shall receive:

11           (A) Up to \$ \_\_\_\_\_ for the upgrade to an  
12                   alternating current Level 2 station with one  
13                   port;

14           [~~(A)~~] (B) Up to \$3,000 for the upgrade to an  
15                   alternating current Level 2 station with two or  
16                   more ports; and

17           [~~(B)~~] (C) Up to \$28,000 for the upgrade to a direct  
18                   current fast charging system.

19           [~~(d)~~] ~~The public utilities commission shall not issue more~~  
20 ~~than \$500,000 in total rebates under this section each fiscal~~  
21 ~~year.~~



1       ~~(e)]~~ (d) The public utilities commission shall:  
2       (1) Prepare any forms that may be necessary for an  
3       applicant to claim a rebate pursuant to this section;  
4       and  
5       (2) Require each applicant to furnish reasonable  
6       information to ascertain the validity of the claim,  
7       including but not limited to documentation necessary  
8       to demonstrate that the installation or upgrade for  
9       which the rebate is claimed is eligible.

10       ~~(f)]~~ (e) This section shall apply to electric vehicle  
11 charging systems that are installed or upgraded after  
12 December 31, 2019.

13       ~~(g)]~~ (f) Applicants shall submit applications to the  
14 public utilities commission within twelve months of the date  
15 that the newly installed or upgraded charging system is placed  
16 into service to claim a rebate from the electric vehicle  
17 charging system rebate program. Failure to apply to the  
18 commission within twelve months of the date that the newly  
19 installed or upgraded charging system is placed into service  
20 shall constitute a waiver of the right to claim the rebate.  
21 Rebates shall be subject to available funds, and the program



1 administrator shall not approve additional rebates for the  
2 remainder of the fiscal year after program funds have been fully  
3 exhausted.

4 [~~(h)~~] (g) Nothing in this section shall alter taxes due on  
5 the original purchase or upgrade price of an electric vehicle  
6 charging system [~~prior to~~] before the application of the rebate.  
7 Any rebate received pursuant to the electric vehicle charging  
8 system rebate program shall not be considered income for the  
9 purposes of state or county taxes.

10 [~~(i)~~] (h) In administering the electric vehicle charging  
11 system rebate program, the public utilities commission shall  
12 give consideration to the following guidelines:

13 (1) Priority should be given to electric vehicle charging  
14 systems that are publicly available~~]~~; serve multiple  
15 tenants, employees, or customers~~]~~; serve electric  
16 vehicle fleets; support the visitor industry in  
17 transitioning to clean transportation; or serve low-  
18 income, moderate-income, and environmental justice  
19 communities;

20 (2) Electric vehicle charging system rebates should  
21 enhance broader public clean energy and grid





1           resiliency goals by supporting deployment of electric  
2           vehicle charging systems that can regulate their time  
3           of use, be networked and co-optimized with other  
4           electric vehicle charging systems, and otherwise  
5           provide grid services or other benefits to the utility  
6           and electric grid; ~~and~~

7           (3) Electric vehicle charging systems that serve a single  
8           person, such as a reserved parking stall or a single-  
9           family residence, shall not be eligible for  
10          rebates~~[-]~~;

11          (4) Electric vehicle charging system rebates should  
12          support accessibility of charging to as many electric  
13          vehicle drivers as feasible; and

14          (5) The program administrator may propose new or modified  
15          guidelines to be considered in addition to those  
16          specified in this subsection and should have the  
17          flexibility to make programmatic adjustments due to  
18          market changes, technological advancements, and levels  
19          of participation to ensure the prudent use of taxpayer  
20          funds and to effectively manage the program budget.

21          ~~(j)~~ (i) As used in this section:



1 "Alternating current Level 2 charging station", commonly  
2 referred to as "Level 2 charging station", means an electric  
3 vehicle charging system that utilizes alternating current  
4 electricity providing at least three kilowatts and means a  
5 system that:

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

9 (2) Meets recognized standards and protocols including,  
10 but not limited to, Society of Automotive Engineers  
11 (SAE) J1772™ of SAE International and Tesla protocol;  
12 and

13 (3) Is designed and installed in compliance with article  
14 625 of the National Electrical Code to appropriate  
15 Nationally Recognized Testing Laboratories' standards.

16 "Applicant" means an individual; non-profit or for-profit  
17 corporation; local, state, or federal government agency;  
18 homeowner association; or any other eligible entity as defined  
19 under rules adopted for the electric vehicle charging system  
20 rebate program.



1 "Direct current fast charging system", commonly referred to  
2 as "DC fast charging system", means an electric vehicle charging  
3 system that utilizes direct current electricity providing forty  
4 kilowatts or greater and:

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

8 (2) Meets recognized standards and protocols, including,  
9 but not limited to, Society of Automotive Engineers  
10 (SAE) J1772™ of SAE International, Tesla protocol, and  
11 CHAdeMO protocol; and

12 (3) Is designed and installed in compliance with article  
13 625 of the National Electrical Code to appropriate  
14 Nationally Recognized Testing Laboratories' standards.

15 "Electric vehicle charging system" has the same meaning as  
16 Electric Vehicle Supply Equipment as defined in article 625.2 of  
17 the National Electrical Code, as amended."

18 SECTION 3. Section 269-73, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20 "(a) The public utilities commission may contract with a  
21 third-party administrator to operate and manage any programs



1 established under section 269-72. The administrator shall not  
 2 be deemed to be a "governmental body" as defined in section  
 3 103D-104; provided that all moneys transferred to the third-  
 4 party administrator shall have been appropriated by the  
 5 legislature or shall be from funds provided by the federal  
 6 government or private funding sources. The administrator shall  
 7 not expend more than [~~ten~~] \_\_\_\_ per cent of the amounts  
 8 appropriated for the rebate program or other reasonable  
 9 percentage determined by the public utilities commission for  
 10 administration of the programs established under section 269-72.  
 11 Program administration expenses may include marketing and  
 12 outreach expenses to increase program participation, if needed."

13 SECTION 4. There is appropriated out of the electric  
 14 vehicle charging system subaccount within the public utilities  
 15 commission special fund the sum of \$ \_\_\_\_\_ or so much  
 16 thereof as may be necessary for fiscal year 2021-2022 for the  
 17 electric vehicle charging system rebate program established  
 18 pursuant to sections 269-72 and 269-73, Hawaii Revised Statutes.

19 The sum appropriated shall be expended by the public  
 20 utilities commission for the purposes of this Act.



1 SECTION 5. There is appropriated out of the electric  
2 vehicle charging system subaccount within the public utilities  
3 commission special fund the sum of \$ or so much  
4 thereof as may be necessary for fiscal year 2022-2023 for the  
5 electric vehicle charging system rebate program established  
6 pursuant to sections 269-72 and 269-73, Hawaii Revised Statutes.

7 The sum appropriated shall be expended by the public  
8 utilities commission for the purposes of this Act.

9 SECTION 6. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2100;  
12 provided that section 4 shall take effect upon its approval.



**Report Title:**

Electric Vehicle Charging Stations; Rebate; Public Utilities Commission; Appropriation

**Description:**

Allows new electric vehicle charging stations and certain upgrades having a single port to qualify for a rebate. Removes the \$500,000 cap on the electric vehicle charging station rebate program. Specifies that no rebates shall be approved after available funds are exhausted for the fiscal year. Increases flexibility of the Public Utilities Commission to administer the electric vehicle charging station rebate program. Increases the percentage of funds that the Public Utilities Commission may use for administration of the rebate program. Allows for marketing and outreach expenses to be included within allowable administration costs of the electric vehicle charging station rebate program. Appropriates funds out of the electric vehicle charging system subaccount for the electric vehicle charging system rebate program. Effective 7/1/2100. (HD2)

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