
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
10 section 291-71, including the establishment of penalties for
11 failure to comply with its requirements or make reasonable
12 efforts to maintain electric vehicle charging stations in
13 working order."

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

16 "**§291-71 Designation of parking spaces for electric**
17 **vehicles; charging system.** (a) Places of public accommodation



1 with at least one hundred parking spaces available for use by
2 the general public shall have [at]:

3 (1) At least one parking space exclusively for electric
4 vehicles and equipped with an electric vehicle
5 charging system located anywhere in the parking
6 structure or lot by July 1, 2012; and

7 (2) At least five parking spaces per one hundred stalls
8 exclusively for electric vehicles and equipped with an
9 electric vehicle charging system located anywhere in
10 the parking structure or lot by January 1, 2025;

11 provided that no parking space designated for electric vehicles
12 shall displace or reduce accessible stalls required by the
13 Americans with Disabilities Act Accessibility Guidelines.

14 Spaces shall be designated, clearly marked, and the exclusive
15 designation enforced. Owners of multiple parking facilities
16 within the State may designate and electrify fewer parking
17 spaces than required in one or more of their owned properties;

18 provided that the scheduled requirement is met for the total
19 number of aggregate spaces on all of their owned properties.

20 Nothing in this section shall prohibit the owners of parking



1 structures or lots from charging a reasonable fee to consumers
2 for use of the electric vehicle charging system.

3 (b) Effective January 1, 2022, each new electric vehicle
4 charging system installed or placed in service pursuant to this
5 section shall be at least a Level 2 charging station that is
6 network capable.

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

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

10 "Electric vehicle" means:

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

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

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



1 (2) Meets recognized standards, including standard
2 SAE J1772 of SAE International; and
3 (3) Is designed and installed in compliance with
4 article 625 of the National Electrical Code;
5 provided that the term shall not include facilities or systems
6 for refueling the hydrogen storage tank of a fuel cell electric
7 vehicle.

8 "Fuel cell electric vehicle" means a zero-emission electric
9 vehicle that uses a fuel cell to convert hydrogen gas and oxygen
10 into electricity that is used in a vehicle powertrain for
11 propulsion.

12 "Level 2 charging station" shall have the same meaning as
13 "alternating current Level 2 charging station" in
14 section 269-72.

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

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

19 **"§291-72 Parking spaces reserved for electric vehicles;**
20 **penalties.** (a) Beginning January 1, 2013, any person who parks



1 a non-electric vehicle in a space designated and marked as
2 reserved for electric vehicles shall receive a warning.

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

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

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

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

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



PART II

SECTION 5. Section 243-3.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In addition to any other taxes provided by law, subject to the exemptions set forth in section 243-7, there is hereby imposed a state environmental response, energy, and food security tax on each barrel or fractional part of a barrel of petroleum product sold by a distributor to any retail dealer or end user of petroleum product, other than a refiner. The tax shall be \$1.05 on each barrel or fractional part of a barrel of petroleum product that is not aviation fuel; provided that of the tax collected pursuant to this subsection:

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

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

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



1 (4) 15 cents of the tax on each barrel shall be deposited
2 into the agricultural development and food security
3 special fund established under section 141-10[-]; and

4 (5) 3 cents of the tax on each barrel shall be deposited
5 into the electric vehicle charging system subaccount
6 established pursuant to section 269-33(e).

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

9 SECTION 6. Section 269-33, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§269-33 Public utilities commission special fund. (a)**

12 There is established in the state treasury a public utilities
13 commission special fund to be administered by the public
14 utilities commission. The proceeds of the fund shall be used by
15 the public utilities commission and the division of consumer
16 advocacy of the department of commerce and consumer affairs for
17 all expenses incurred in the administration of chapters 269,
18 271, 271G, 269E, and 486J, and for costs incurred by the
19 department of commerce and consumer affairs to fulfill the
20 department's limited oversight and administrative support
21 functions; provided that the expenditures of the public



1 utilities commission shall be in accordance with legislative
2 appropriations. On a quarterly basis, an amount not exceeding
3 thirty per cent of the proceeds remaining in the fund after the
4 deduction for central service expenses, pursuant to
5 section 36-27, shall be allocated by the public utilities
6 commission to the division of consumer advocacy and deposited in
7 the compliance resolution fund established pursuant to
8 section 26-9(o); provided that all moneys allocated by the
9 public utilities commission from the fund to the division of
10 consumer advocacy shall be in accordance with legislative
11 appropriations.

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



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

5 (d) All moneys in excess of \$1,000,000 remaining on
6 balance in the public utilities commission special fund on
7 June 30 of each year shall lapse to the credit of the state
8 general fund.

9 (e) There is established within the public utilities
10 commission special fund an electric vehicle charging system
11 subaccount. The public utilities commission shall expend moneys
12 in the subaccount for the purposes of funding the electric
13 vehicle charging system rebate program established pursuant to
14 sections 269-72 and 269-73."

15 PART III

16 SECTION 7. There is appropriated out of energy security
17 special fund established under section 201-12.8, Hawaii Revised
18 Statutes, the sum of \$300,000 or so much thereof as may be
19 necessary for fiscal year 2021-2022 to be deposited into the
20 electric vehicle charging system subaccount within the public



1 utilities commission special fund established under
2 section 269-33, Hawaii Revised Statutes.

3 SECTION 8. There is appropriated out of the electric
4 vehicle charging system subaccount within the public utilities
5 commission special fund the sum of \$300,000 or so much thereof
6 as may be necessary for fiscal year 2021-2022 for the electric
7 vehicle charging system rebate program established pursuant to
8 sections 269-72 and 269-73, Hawaii Revised Statutes.

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

11 PART IV

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

17 SECTION 11. This Act shall take effect on July 1, 2050.



Report Title:

Electric Vehicles; Charging Stations; Enforcement; Electric Vehicle Charging System Rebate Program; Appropriation

Description:

Part I: 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 electric vehicle charging stations in working order. Clarifies that certain enforcement officers may enter private property to enforce electric vehicle parking space violations. Requires new electric vehicle charging systems installed pursuant to the electric vehicle charging system requirement to be at least Level 2 and network capable. Adds electric vehicle charging equipped parking requirement of five stalls per one hundred stalls by 2025. Part II: Establishes a subaccount in the public utilities commission special fund for the electric vehicle charging system rebate program. Reallocates a portion of the environmental response, energy, and food security tax to be deposited into the subaccount. Part III: Appropriates funds out of the energy security special fund for the electric vehicle charging system rebate program. Effective 7/1/2050. (HD1)

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