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## A BILL FOR AN ACT

RELATING TO ELECTRIC VEHICLE PARKING.

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

1           SECTION 1. The legislature finds that the increased  
2 adoption of electric vehicles in Hawaii plays a key role in the  
3 State's goal to achieve one hundred per cent renewable energy by  
4 2045. According to the National Oceanic and Atmospheric  
5 Administration, 2023 was the warmest year and that will result  
6 in dire consequences across the globe. In 2022, the legislature  
7 passed Act 238, Session Laws of Hawaii 2022, as a broad  
8 decarbonization measure to reinforce and expand Hawaii's  
9 leadership in climate mitigation action and alert its  
10 communities of the need to adapt to the current climate crisis.

11           The legislature further finds that the 2023 decarbonization  
12 report by the Hawaii state energy office emphasized that  
13 reducing ground transportation emissions depends heavily on  
14 electrification and that a widespread and reliable network of  
15 charging infrastructure is crucial in encouraging the adoption  
16 of electric vehicles.



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1           The legislature also finds that every county in the State  
2 has committed to one hundred per cent clean transportation by  
3 2045. This commitment will require land use and infrastructure  
4 that reduce automobile dependency and the rapid transition to  
5 electric vehicles. To support this transition, electric  
6 vehicles must have adequate charging infrastructure.

7           The legislature additionally finds that Act 75, Session  
8 Laws of Hawaii 2021, was passed with the intent of expediting  
9 the rollout of electric vehicle charging infrastructure by  
10 providing the counties with the power to enforce charging and  
11 maintenance requirements under section 291-71, Hawaii Revised  
12 Statutes. However, section 291-71, Hawaii Revised Statutes,  
13 allows owners of multiple properties within the State to provide  
14 electric vehicle charging infrastructure on fewer spaces than  
15 required in an individual parking lot if they have fulfilled the  
16 requirement in aggregate by providing more than the required  
17 amount of charging stations in a different parking lot. This  
18 loophole makes county enforcement of section 291-71, Hawaii  
19 Revised Statutes, impossible, as county officials do not have  
20 the capacity to determine whether a property owner is in  
21 compliance with the law due to the possibility that electric



1 vehicle chargers can be installed in a different county.  
2 Furthermore, existing law is unclear on whether the counties  
3 have the authority to require electric vehicle charging  
4 infrastructure on lots of under one hundred stalls.

5 Therefore, the purpose of this Act is to:

6 (1) Remove the loophole that allows property owners to  
7 electrify fewer spaces than required if they fulfil  
8 the requirement in aggregate across different parking  
9 lots; and

10 (2) Provide the counties the clear authority to require  
11 electric vehicle charging infrastructure on parking  
12 lots with less than one hundred stalls.

13 SECTION 2. Section 291-71, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) Places of public accommodation with at least one  
16 hundred parking spaces available for use by the general public  
17 shall have at least one parking space equipped with an electric  
18 vehicle charging system located anywhere in the parking  
19 structure or lot; provided that no parking space designated for  
20 electric vehicles shall displace or reduce accessible stalls  
21 required by the Americans with Disabilities Act Accessibility



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

13 SECTION 3. Section 291-73, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[+]§291-73[+] **Ordinances to enforce authorized.** Each  
16 county may adopt ordinances to enforce the requirements of  
17 section 291-71, including the establishment of penalties for  
18 failure to comply with the requirements of that section or  
19 maintain electric vehicle charging systems in working order[+]  
20 and ordinances to regulate electric vehicle charging systems,  
21 including maintenance requirements, for places of public



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1 accommodation with less than one hundred parking spaces  
2 available for use by the general public. As used in this  
3 section, "place of public accommodation" has the same meaning as  
4 in section 489-2."

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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**Report Title:**

Electric Vehicle Charging Systems; Parking Requirements;  
Counties; Ordinances

**Description:**

Removes exemption that allowed owners of multiple parking facilities within the State to designate and electrify fewer parking spaces than required in one or more of the properties if the total number of aggregate spaces on all of their owned properties was met. Authorizes the counties to adopt ordinances to regulate electric vehicle charging systems for places of public accommodation with less than one hundred parking spaces.

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

