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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 percent renewable energy by  
4 2045. According to the National Oceanic and Atmospheric  
5 Administration, 2023 was the warmest year on record and will  
6 result in dire consequences across the globe. Act 238, Session  
7 Laws of Hawaii 2022, was enacted as a broad decarbonization  
8 measure to reinforce and expand Hawaii's leadership in climate  
9 mitigation action and alert its communities of the need to adapt  
10 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.



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 enacted 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 number 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 regulate electric vehicle charging systems  
4 for places of public accommodation with fewer than one hundred  
5 public parking spaces.

6 Therefore, the purpose of this Act is to:

- 7 (1) Remove the loophole that allows property owners to  
8 electrify fewer spaces than required if they fulfill  
9 the requirement in aggregate across different parking  
10 lots; and  
11 (2) Provide the counties the clear authority to regulate  
12 electric vehicle charging systems on parking lots with  
13 fewer than one hundred stalls.

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

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



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

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

16 "[+]§291-73[+] **Ordinances to enforce authorized.** Each  
17 county may adopt ordinances to [~~enforce~~]:

18 (1) Enforce the requirements of section 291-71, including  
19 the establishment of penalties for failure to comply  
20 with the requirements of that section or maintain



1 electric vehicle charging systems in working order[-];  
2 and

3 (2) Regulate electric vehicle charging systems, including  
4 maintenance requirements, for places of public  
5 accommodation with fewer than one hundred parking  
6 spaces available for use by the general public.

7 As used in this section, "place of public accommodation"  
8 has the same meaning as in section 489-2."

9 SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Electric Vehicle Charging Systems; Parking Requirements;  
Counties; Ordinances

**Description:**

Removes the 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 requirement for 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 fewer than one hundred parking spaces. Effective 7/1/3000. (HD1)

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

