

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

1           SECTION 1. The legislature finds that unabated greenhouse  
2 gas emissions, and resulting climate change and sea level rise,  
3 present an urgent and existential threat to citizens of the  
4 State. The State has committed to mitigating the impacts of  
5 climate change. Chapter 225P, Hawaii Revised Statutes,  
6 established a statewide target to become net carbon negative as  
7 quickly as practicable but no later than 2045. In addition, the  
8 mayors from each county have pledged to reduce the State's  
9 dependence on fossil fuels by eliminating fossil fuels from  
10 ground transportation by 2045. These efforts, however, must be  
11 accelerated.

12           The purpose of this Act is to advance the State's climate  
13 change mitigation commitment by requiring the State and counties  
14 to upgrade to zero emission buses by 2045.

15           SECTION 2. Section 51-1, Hawaii Revised Statutes, is  
16 amended to read as follows:



1           "**§51-1 Grant of powers.** Every county of this State may  
2 acquire, condemn, purchase, lease, construct, extend, own,  
3 maintain, and operate mass transit systems, including~~[, without~~  
4 ~~being]~~ but not limited to~~[,]~~ motor buses, street railroads,  
5 fixed rail facilities such as monorails or subways, whether  
6 surface, subsurface, or elevated, taxis, and other forms of  
7 transportation for hire for passengers and their personal  
8 baggage.

9           Every county shall have power to provide mass  
10 transportation service, whether directly, jointly, or under  
11 contract with private parties, without the county or private  
12 parties being subject to the jurisdiction and control of the  
13 public utilities commission in any manner.

14           ~~[The terms "mass transit" and "mass transportation" mean~~  
15 ~~transportation by bus, or rail or other conveyance, either~~  
16 ~~publicly or privately owned, which provides to the public~~  
17 ~~general or special service (but not including school buses or~~  
18 ~~charter or sightseeing service) on a regular and continuing~~  
19 ~~basis.]~~

20           Beginning January 1, 2045, any county operating mass  
21 transit services pursuant to this chapter shall not use or



1 employ any motor bus unless the motor bus is a zero emissions  
2 bus.

3 For the purposes of this section:

4 "Mass transit" or "mass transportation" mean transportation  
5 by bus, or rail or other conveyance, either publicly or  
6 privately owned, which provides to the public general or special  
7 service (but not including school buses or charter or  
8 sightseeing service) on a regular and continuing basis.

9 "Pollutant" means hydrocarbons, carbon monoxide, carbon  
10 dioxide, nitrogen oxides, and lead.

11 "Zero emission bus" means a motor bus that produces zero  
12 exhaust emissions of any pollutant and includes battery-electric  
13 powered buses and hydrogen fuel cell-electric powered buses, but  
14 does not include any vehicle, locomotive, or car operated  
15 exclusively on a rail or rails.

16 This section shall not be applied so as to impair any  
17 contract existing as of the date of enactment of this section,  
18 or operative portion thereof, in a manner violative of either  
19 the Hawaii State Constitution or Article I, section 10, of the  
20 United States Constitution."



1 SECTION 3. Section 103D-211, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§103D-211 Procurement rules.** (a) The procurement policy  
4 board shall adopt all rules necessary to carry out the purposes  
5 of this chapter and to implement its provisions in accordance  
6 with chapter 91. The policy board shall not delegate its power  
7 to adopt rules.

8 (b) Regarding the procurement of motor vehicles capable of  
9 transporting more than fifteen passengers, the procurement  
10 policy board shall promptly adopt all rules necessary to  
11 transition to one hundred per cent zero emission buses as  
12 quickly as possible, but no later than January 1, 2045.

13 As used in this subsection:

14 "Pollutant" means hydrocarbons, carbon monoxide, carbon  
15 dioxide, nitrogen oxides, and lead.

16 "Zero emission bus" means a motor vehicle capable of  
17 transporting more than fifteen passengers that produces zero  
18 exhaust emissions of any pollutant and includes battery-  
19 electric powered buses and hydrogen fuel cell-electric powered  
20 buses, but does not include any vehicle, locomotive, or car  
21 operated exclusively on a rail or rails.



1            [~~(b)~~] (c) No rule shall change any commitment, right, or  
2 obligation of the State or of a contractor under a contract in  
3 existence on the effective date of such rule."

4            SECTION 4. Section 302A-407, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6            "(a) Any school bus contract between the State and the  
7 contractor shall include a provision requiring the contractor to  
8 equip the contractor's vehicles with the signs and visual  
9 signals described in section 291C-95(d) and (g). The contract  
10 shall also include other provisions as may be deemed necessary  
11 by the State for the safety of school bus passengers and shall  
12 include provisions requiring compliance with the rules and  
13 standards described in section 286-181. Beginning July 1, 2025,  
14 the State shall not enter into any school bus contract for a  
15 term that extends past January 1, 2045, unless the bus that is  
16 the subject of the contract is a zero emission bus. Beginning  
17 January 1, 2045, the State shall not enter into any school bus  
18 contract unless the bus that is the subject of the contract is a  
19 zero emission bus.

20            For the purposes of this subsection:



1        "Pollutant" means hydrocarbons, carbon monoxide, carbon  
2 dioxide, nitrogen oxides, and lead.

3        "Zero emission bus" means a motor bus that produces zero  
4 exhaust emissions of any pollutant and includes battery-  
5 electric powered buses and hydrogen fuel cell-electric powered  
6 buses, but does not include any vehicle, locomotive, or car  
7 operated exclusively on a rail or rails."

8        SECTION 5. The public utilities commission shall amend the  
9 commission's administrative rules to encourage motor carriers to  
10 upgrade to zero emission buses by 2045.

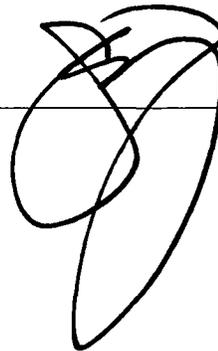
11        SECTION 6. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14        SECTION 7. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16        SECTION 8. This Act shall take effect upon its approval.

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

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**Report Title:**

Climate Change; Mass Transit; Counties; Zero Emissions

**Description:**

Requires the state and counties to upgrade to zero emission buses by 2045.

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

