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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:

- 14       (1) The counties to upgrade to zero emission buses by  
15           2045; and



1           (2) State agencies to prioritize zero emission buses in  
2           the procurement policy for purchasing or leasing motor  
3           vehicles.

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

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

14          Every county shall have power to provide mass  
15 transportation service, whether directly, jointly, or under  
16 contract with private parties, without the county or private  
17 parties being subject to the jurisdiction and control of the  
18 public utilities commission in any manner.

19          ~~[The terms "mass transit" and "mass transportation" mean~~  
20 ~~transportation by bus, or rail or other conveyance, either~~  
21 ~~publicly or privately owned, which provides to the public~~



~~general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis.]~~

Beginning January 1, 2045, any county operating mass transit services pursuant to this chapter shall not use or employ any motor bus unless the motor bus is a zero emissions bus.

For the purposes of this section:

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

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

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



1        This section shall not be applied so as to impair any  
2        contract existing as of the date of enactment of this section,  
3        or operative portion thereof, in a manner violative of either  
4        the Hawaii State Constitution or Article I, section 10, of the  
5        United States Constitution."

6        SECTION 3. Section 103D-412, Hawaii Revised Statutes, is  
7        amended as follows:

8        1. By amending subsection (a) to read:

9        "(a) The procurement policy for all agencies purchasing or  
10       leasing buses, or light-, medium-, and heavy-duty motor vehicles  
11       shall be to seek vehicles that reduce dependence on petroleum-  
12       based fuels that meet the needs of the agency. Priority for  
13       selecting vehicles shall be as follows:

- 14       (1) Zero-emission vehicles;  
15       (2) Plug-in hybrid electric vehicles;  
16       (3) Alternative fuel vehicles; and  
17       (4) Hybrid electric vehicles."

18       2. By amending subsection (c) to read:

19       "(c) For the purposes of this section:

20       "Agency" means a state agency, office, or department.



1 "Alternative fuel" shall have the same meaning as contained  
2 in title 10 Code of Federal Regulations part 490; provided that  
3 "alternative fuel" includes liquid or gaseous fuels produced  
4 from renewable feedstocks, such as organic wastes, or from water  
5 using electricity from renewable energy sources.

6 "Alternative fuel vehicle" shall have the same meaning as  
7 contained in title 10 Code of Federal Regulations part 490.

8 "Bus" shall have the same meaning as contained in title 40  
9 Code of Federal Regulations section 1037.801.

10 "Covered fleet" shall have the same meaning as contained in  
11 title 10 Code of Federal Regulations part 490 subpart C.

12 "Excluded vehicles" shall have the same meaning as  
13 contained in title 10 Code of Federal Regulations section 490.3.

14 "Fuel cell electric vehicle" shall have the same meaning as  
15 contained in title 10 Code of Federal Regulations section  
16 490.501.

17 "Hybrid electric vehicle" shall have the same meaning as  
18 contained in title 40 Code of Federal Regulations section  
19 86.1803-01.

20 "Light-duty motor vehicle" shall have the same meaning as  
21 contained in title 10 Code of Federal Regulations part 490.



1 "Plug-in hybrid electric vehicle" shall have the same  
2 meaning as contained in title 40 Code of Federal Regulations  
3 part 86.1803-01.

4 "Zero-emission vehicle" shall have the same meaning as  
5 contained in title 40 Code of Federal Regulations section  
6 88.102-94."

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

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



1 contract unless the bus that is the subject of the contract is a  
2 zero emission bus.

3 For the purposes of this subsection:

4 "Pollutant" means hydrocarbons, carbon monoxide, carbon  
5 dioxide, nitrogen oxides, and lead.

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

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

14 SECTION 6. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect on July 1, 2050.



**Report Title:**

Climate Change; Mass Transit; Counties; Zero Emissions

**Description:**

Requires the counties to upgrade to zero emission buses by 2045.  
Requires the state agencies to prioritize zero emission buses in  
the procurement policy for purchasing or leasing motor vehicles.  
Effective 7/1/2050. (SD1)

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