

ORDINANCE NO. _____

BILL NO. 126 (2024)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 10.79, MAUI COUNTY
CODE, RELATING TO ELECTRIC VEHICLE INFRASTRUCTURE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Article II of Title 10, Maui County Code, is amended by adding
a new chapter to be appropriately designated and to read as follows:

“Chapter 10.79

ELECTRIC VEHICLE INFRASTRUCTURE

Sections:

- 10.79.010 Purpose.
- 10.79.020 Definitions.
- 10.79.030 Parking privileges.
- 10.79.040 Charging systems.
- 10.79.050 Alternatives and exemptions.
- 10.79.060 Applicability

10.79.010 Purpose. This chapter’s purpose is to facilitate the use of electric vehicles, including the enforcement of section 291-71, Hawai‘i Revised Statutes.

10.79.020 Definitions. Whenever used in this chapter, unless the context otherwise requires:

“Alternating current level 2 charging station,” also referred to as “level 2 charging station,” means an electric vehicle charging system that uses alternating current electricity providing at least six kilowatts per plug with a system that:

A. is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;

B. meets recognized standards and protocols including Society of Automotive Engineers (SAE) J1772™ of SAE International and Tesla protocol; and

C. is designed and installed in compliance with chapter 16.18B.

“Electric vehicle” means:

- A. a neighborhood electric vehicle;
- B. a vehicle, with four or more wheels, that draws propulsion energy from a battery with at least four kilowatt hours of energy storage capacity that can be recharged from an external source of electricity; or
- C. a fuel cell electric vehicle.

“Electric vehicle charging system” means a system that:

- A. is capable of providing electricity from a non-vehicle source to charge the batteries of one or more electric vehicles;
- B. meets recognized standards, including standard SAE J1772 of SAE International; and
- C. is designed and installed in compliance with chapter 16.18B.

“Fuel cell electric vehicle” means a zero-emission electric vehicle that uses a fuel cell to convert hydrogen gas and oxygen into electricity that is used in a vehicle powertrain for propulsion.

“Neighborhood electric vehicle” means a self-propelled, electrically powered motor vehicle that:

- A. is emission-free;
- B. is designed to be and is operated at speeds of 25 miles per hour or less;
- C. has four wheels in contact with the ground;
- D. has a gross vehicle weight rating of less than 3,000 pounds; and
- E. conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571.500).

“Networked” refers to electric vehicle charging systems that are able to connect to the internet.

“Place of public accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public as customers, clients, or visitors.

“Plug” means an accessory to an electric vehicle charging system capable of charging a single electric vehicle and compatible with alternating current level 2 charging stations or direct current fast charger protocols.

10.79.030 Parking privileges. Only electric vehicles may be parked in a parking space designated and marked as reserved for

electric vehicles. Only electric vehicles that are plugged in and charging may be parked in a parking space equipped with an electric vehicle charging system that is designated and marked as reserved for electric vehicle charging.

10.79.040 Charging systems. A. All new places of public accommodation are subject to the following electric vehicle charger installation and dedicated, standard size, parking space requirements, for each increment of 50 parking stalls:

1. Networked alternating current level 2 chargers with a total of at least two plugs and two dedicated parking stalls for places of public accommodation constructed by December 31, 2025.

2. Networked alternating current level 2 chargers with a total of at least four plugs and four dedicated parking stalls for places of public accommodation constructed by December 31, 2027.

3. Networked alternating current level 2 chargers with a total of at least six plugs, and six dedicated parking stalls for places of public accommodation constructed by December 31, 2029.

4. Networked alternating current level 2 chargers with a total of at least eight plugs and eight dedicated parking stalls for places of public accommodation constructed by December 31, 2031.

B. All existing places of public accommodation are subject to the following electric vehicle charger installation and dedicated, standard size, parking space requirements, for each increment of 50 parking stalls:

1. Networked alternating current level 2 chargers with a total of at least two plugs and two dedicated parking stalls for places of public accommodation constructed by December 31, 2026.

2. Networked alternating current level 2 chargers with a total of at least four plugs and four dedicated parking stalls for places of public accommodation constructed by December 31, 2028.

3. Networked alternating current level 2 chargers with a total of at least six plugs, and six dedicated parking stalls for places of public accommodation constructed by December 31, 2030.

4. Networked alternating current level 2 chargers with a total of at least eight plugs and eight dedicated parking stalls for places of public accommodation constructed by December 31, 2032.

C. Existing places of public accommodation not subject to subsection 10.79.040(B) must comply with section 291-71, Hawai'i Revised Statutes, by December 31, 2026, and are otherwise subject to this section.

D. All existing electric vehicle chargers must be maintained in good working order.

E. A dedicated parking space must be provided for each electric vehicle plug. Dedicated parking spaces for electric vehicle charging must be marked in a clear and obvious manner and include signage that states that parking is only for electric vehicles that are charging.

F. No parking space designated for electric vehicles may displace or reduce accessible stalls, as defined by the Americans with Disabilities Act, and as required by the Americans with Disabilities Act.

G. At least one of the parking spaces designated for electric vehicles must be an accessible stall, as defined by the Americans with Disabilities Act, and must not displace or reduce other accessible stalls as required by the Americans with Disabilities Act.

H. Electric vehicle charging stations are required to be available for use by the public during such times as the place of public accommodation is also open for public use.

I. Site owners are not precluded from charging a fee for the use of the charging station or additional fees if a vehicle remains in the space after charging has been completed.

10.79.050 Alternatives and exemptions. A. For each set of eight plugs required under section 10.79.040, the requirements may alternatively be met by one direct current fast charger, if there is at least one level 2 compatible plug for each requirement of eight plugs.

B. Places of public accommodation are exempted from the applicable requirements of this chapter if:

1. documentation is provided by a qualified professional or the public electric utility verifying the lack of established electrical service or adequate electrical infrastructure to provide electrical service capable of supporting alternating current level 2 charging stations; and

2. the location is identified as being in the highest flood risk zone as established by the Federal Emergency Management Agency's Digital Flood Insurance Rate Map.

C. Owners of multiple parking facilities within the State of Hawai'i who intend to use the aggregation allowance in section 291-71, Hawai'i Revised Statutes, must provide the director of public works with documentation to demonstrate that the electric vehicle charging requirements have been met at the time of construction.

10.79.060 Applicability. In the case of conflict with chapter 16.16C, chapter 16.16C applies.”

SECTION 2. This Ordinance takes effect on approval.

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INTRODUCED BY:

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