HAWAI' I ADMINISTRATIVE RULES

UNIVERSITY OF HAWAI' I

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MEMORANDUM

TO: Mr. Pepper Shimamizu
   Secretary of the Board of Regents

FROM: Kenneth P. Mortimer
   President, University of Hawaii and
   Chancellor, University of Hawaii at Manoa

SUBJECT: Staff Members for Drafting of Administrative Rules

In response to your memorandum dated August 22, 1994, requesting that the administration appoint someone to assist your office in the coordination process of drafting administrative rules, I am hereby submitting the names of the following individuals:

Senior VP, UH and Executive Vice Chancellor, UH-Manoa
   Dr. Lee Putnam, Interim Assistant VP for Academic Affairs
   Mrs. Avis Morigawara, Secretary

Senior VP and Chancellor, UH-Hilo
   Mr. Edgar Torigoe, Vice Chancellor for Administrative Affairs
   Ms. Susan Kalima, Secretary

Senior VP and Chancellor, UH-West Oahu
   Dr. Frederick Mayer, Dean of Faculty
   Mrs. May Asato, Secretary

Senior VP and Chancellor for Community Colleges
   Mr. Michael T. Unebasami, Vice Chancellor for Administrative Affairs
   Mrs. Nora Matsubara, Secretary

Senior VP for Administration
   Mrs. Claire Nakamura, Assistant to the Senior Vice President
   Ms. Merle Motokane, Secretary

KPM:ji

c: Senior VP/Executive Vice Chancellor Eastman
   Senior VP/Chancellor Perrin
   Senior VP/Chancellor Tsunoda
   Senior VP Horii
   Assistant Inazu
DATE: September 21, 1994

TO: Jean Imada

FROM: Carol M. Eastman

SUBJECT: Drafting of Administrative Rules

Lee Putnam and Avis Morigawara will be the two individuals from our office.
September 20, 1994

TO: Dr. Kenneth Mortimer, President
University of Hawaii

FROM: Kenneth L. Perrin, Chancellor

SUBJECT: DRAFTING OF ADMINISTRATIVE RULES

I am responding to your memo of September 16, 1994 dealing with the above-referenced topic. UHH designees will be:

Edgar Torigoe
Susan Kalima

I hope this information is of value.

KLP:lm

c: Pepper Shiramizu
September 22, 1994

TO: Dr. Kenneth Mortimer, President
    University of Hawaii

FROM: Kenneth L. Perrin, Chancellor

SUBJECT: DRAFTING OF ADMINISTRATIVE RULES

I am responding to your memo of September 16, 1994 dealing with the above-referenced topic. UH-West Oahu designees will be:

    Fred Mayer
    May Asato

I hope this information is of value.

KLP:lm

c: Pepper Shiramizu
UNIVERSITY OF HAWAI'I
Office of the Chancellor for Community Colleges

MEMORANDUM

September 27, 1994

TO: Kenneth P. Mortimer
President, University of Hawaii and
Chancellor, University of Hawaii at Manoa

SUBJECT: Drafting of Administrative Rules

I am designating Michael T. Unebasami, Vice Chancellor for
Administrative Affairs, to be the coordinator for the Chancellor’s Office for
Community Colleges in the rulemaking process for drafting administrative rules. Nora-
Matsubara will provide the clerical support.

If there are any questions, please call me.

Joyce S. Tsunoda
Senior Vice President and
Chancellor for Community Colleges

c Michael T. Unebasami
TO: President and Chancellor Mortimer

FROM: Ralph T. Herli, Jr.
Senior Vice President for Administration

SUBJECT: DESIGNATION OF STAFF TO ASSIST IN THE DRAFTING OF ADMINISTRATIVE RULES

Pursuant to your memorandum of September 16, 1994, I have identified the following individuals to assist in the rulemaking process:

- Claire Nakamura, Assistant to the Senior Vice President
- Merle Motokane, Secretary

As the professional and clerical assistants, respectively, Claire and Merle will work with the Board of Regents Office and with the units reporting to the Senior Vice President for Administration to facilitate the accurate and timely drafting of documents required for the adoption of Hawaii Administrative Rules.

c: Associate Vice President Allan Ah San
Director Wayne Fujishige
Director Kalvin Kashimoto
Director David Lassner
Director Rodney Sakaguchi
Director Alex Uyeda
Director Norman Yamamura
Director Ed Yanai
Director Ed Yuen
Assistant Claire Nakamura
Secretary Merle Motokane
MEMORANDUM

TO: Senior Vice President/Executive Vice Chancellor Carol Eastman
   Senior Vice President/Chancellor Kenneth Perrin
   Senior Vice President/Chancellor Joyce Tsunoda
   Senior Vice President Ralph Horii

FROM: Kenneth P. Mortimer
      President, University of Hawaii and
      Chancellor, University of Hawaii at Manoa

SUBJECT: Drafting of Administrative Rules

In the memo attached, Board Secretary Pepper Shiramizu has requested that the administration appoint someone to assist their office in the rulemaking process. I would like you to designate a professional staff person and a clerical person from each of your units to work with Carl Makino whenever rulemaking is involved for your unit. Mr. Makino has agreed to conduct training sessions and will work closely with the staff members you designate in ensuring that the rulemaking process proceeds accurately and on a timely basis.

Please provide the names of two individuals from your unit to me by October 15, 1994. If for some reason you are not able to meet this deadline, please let me know this as well.

Attachment

c: Board Secretary Tatsuki Shiramizu
   Assistant Judith Inazu

KPM:JKI: syo
August 22, 1994

MEMORANDUM

TO: President and Chancellor Mortimer
FROM: Pepper Shiramizu, Secretary of the Board
SUBJECT: Hawaii Administrative Rules

Getting involved in establishing the administrative rules for the UH Special Events Arena prompts me to reiterate an earlier suggestion that the major units designate someone to coordinate the drafting of administrative rules emanating from their respective units. Mr. Carl Makino from my office can continue to serve as the coordinator of the rulemaking process. He can also provide overall guidance in drafting the rules and advice on time tables. However, I do not have sufficient manpower to do the actual drafting of the rule for each of the units.

In addition to designating a coordinator for each unit, it would be helpful if a a clerical support position can be established. If unable to, I suggest that you designate a person with access to a secretary familiar with WordPerfect.

Act 279 makes the state agencies the primary location and responsibility for the housing of rules both in the Standard and Ramseyer formats, we will need to have the rules stored on diskettes. This will also enable us to make edits more quickly and efficiently.

If you have any questions, please call me.

PS: dn
MEMORANDUM

TO: Members of Board of Regents, University of Hawai‘i

THRU: Tatsuki "Pepper" Shiramizu
Secretary
Board of Regents, University of Hawai‘i

FROM: Harriet Yoshida Lewis
Deputy Attorney General

RE: Rulemaking under the Hawaii Administrative Procedure Act (Haw. Rev. Stat. chapter 91)

At the March meeting of the Board’s Committee on Finance, a Regent inquired whether certain matters must or must not be adopted pursuant to the rulemaking requirements of the Hawaii Administrative Procedure Act. The entire Board may wish to review again the guidelines on rulemaking. Enclosed is a copy of a summary discussion paper on agency rulemaking, which this office provides to all members of State boards and commissions. I hope this discussion paper will help to clarify what must be a gray area. Please feel free to telephone me at 586-1272/1255 or tap me in person should you wish to engage in a conversation on rulemaking.

Enc.
MEMORANDUM

TO: Members of State Boards and Commissions

FROM: Department of the Attorney General

SUBJECT: Agency Rulemaking

Rulemaking is an important function of boards and commissions.

It is the means by which the agency discharges its regulatory or legislative function by "fleshing out" statutes and giving the law substance and meaning. It is also an area that may be subject to court challenges by those who are or may be subject to the requirements of rules. Challenges which could and which have been raised include: lack of statutory authority to promulgate such rules; the rules are in excess of statutory authority; the agency has ignored or violated its own rules; the agency has failed to promulgate rules; and/or the agency has failed to properly promulgate rules.

It is, therefore, important for the agency to closely follow the requirements of the law in the area of rulemaking. The following discussion sets forth some of the more important aspects of law in the area of rulemaking which you may want to keep in mind while serving as a member of a board or commission.

I. What is a Rule?

Section 91-1(4), Hawaii Revised Statutes, defines the term "rule" as follows:

"Rule" means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term does not include regulations concerning only the internal
concerning only the internal management of an agency and not affecting private rights of or procedures available to the public, nor does the term include declaratory rulings issued pursuant to section 91-8, nor intra-agency memoranda. [Emphasis added.]

As defined, the term "rule" is very broad. Any "guideline" or "policy" of the agency may also be a rule and must, therefore, be promulgated pursuant to the procedural requirements provided by law before it can be enforced.

In determining whether a particular matter is or is not a rule, perhaps the first question to be asked is whether it falls within one of the exceptions to the definition of a rule. If so, then it is not a rule and need not be promulgated pursuant to the Hawaii Administrative Procedures Act, chapter 91, Hawaii Revised Statutes (hereinafter referred to as "HAPA"). A rule:

a. Does not include declaratory rulings that a board makes upon the applicability of a rule to an individual. (For example, if a board is petitioned under section 91-8, Hawaii Revised Statutes, to decide whether an electrical contractor is bound by rules relating to roofing contractors, the decision reached by the board is not a rule.)

b. Does not include intra-agency memorandum sent internally within the board. (For example, a memo from the chairman to board members about meetings is not a rule.)

c. Does not include statements relating to internal management of the agency and which do not affect individual rights or procedures available to the public.

We would like to offer a word of caution about the internal management exception. It is too often looked upon as an "escape valve." This exception was intended to exclude only statements used by the agency and principally directed to its staff and operations. Courts have narrowly construed this exception, while liberally interpreting the definition of rule. Two recent Hawaii Supreme Court decisions are illustrative.

a. In one case, the Court found that a contract between the Board of Land and Natural Resources and a corporation for the rental of excess transmission capacity within public pipelines
and facilities, under the management of the agency, was internal management and was not a rule. 1/

b. In another case, a claimant for unemployment compensation appealed a decision denying benefits. After a hearing before a referee, the referee decided that the claimant had not established that he was "available for work," which was a requirement for eligibility. In determining availability for work, the referee relied upon guidelines issued by the Department of Labor and Industrial Relations which defined "available for work." The Hawaii Supreme Court reversed the agency decision, finding that these "guidelines" were rules and had to be adopted under the rulemaking provisions of the HAPA before they could be used to deny benefits. 2/

If it is determined that a statement or policy does not fall within any of the exceptions, the next question to be answered is whether it, in fact, falls within the definition of a rule. In determining whether a statement is a rule, it would be helpful to break down the definition of a rule.

The first question the board should ask is this: "Does our statement apply equally to everyone in general or to everyone within a particular subclassification?" For example, if the board adopts a statement requiring all applicants for a license to have two years of practical experience, that is a rule. If the Contractors License Board adopts a statement requiring persons with specialty licenses to restrict their activities to that area in which they are licensed, that is still a "rule" despite the fact that it applies only to a particular class of individuals.

The second question is whether the board statement is prospective. In other words, does it have an effect on licensees in the future? For example, suppose the Board of Nursing requires all applicants for a license to submit two letters of recommendation from licensed supervisors of the applicant. Clearly, this statement by the board requires all persons who apply in the future to comply with this requirement. If a board statement has this effect, it is a "rule" as defined by the HAPA.

1/ Ah Ho v. Cobb, 62 Haw. 546 (1980).
The third question is whether the board statement "implements, interprets, or prescribes law or policy." A very simple way of viewing the question is to ask whether the agency statement is "fleshing out" a statute, which the agency is empowered to enforce, giving the law substance and meaning. If the answer is yes, then the agency statement should be considered as one which "implements, interprets, or prescribes law or policy." The Ainoa case, involving a denial of unemployment benefits, is illustrative. The compensation statute allowed the payment of benefits where the claimant was "available for work." The department guidelines which defined the phrase "available for work" were not promulgated as a rule. The Supreme Court found the department to be in error. The Court stated that the so-called guidelines were "agency statements of general or particular applicability and future effect that implement, interpret or prescribe law or policy."

Id. The Court then held that the guidelines were rules as defined in the HAPA.

A fourth question is whether the agency statement describes the organization or practice or procedure requirements of the agency. This question focuses on the procedural rules of the board which are applied in contested cases, public hearings, and declaratory rulings. For example, a board rule providing 10 days within which a respondent may file exceptions to the hearing officer's proposed decision must be promulgated under chapter 91.

If the foregoing questions are answered affirmatively, then, unless one of the exceptions applies, the rulemaking requirements of the HAPA apply and rules must be promulgated pursuant to the HAPA.

Again, it must be strongly emphasized that Hawaii courts liberally interpret the definition of "rule" and narrowly construe the exceptions. The courts are so inclined in order to allow for public participation and, to quote the Supreme Court in a recent case holding that the agency violated the rulemaking requirements:

This Court, in the absence of clear legislative direction to the contrary, will not interpret provisions of the HAPA so as to give the government even an appearance of being arbitrary or capricious. 3/

3/ Ainoa at p. 10.
II. What Rules Can a Board Adopt?

As a necessary adjunct to the prior discussion on "rules," the board should ask itself the fundamental question: Do we have the power and authority to adopt the rule? To answer this question, the board should turn to its enabling statute—those portions of the law which created that board and which state the duties, responsibilities, and restrictions of the board.

Generally speaking, the board cannot exceed the statutory requirements imposed by the Legislature. A board exists to implement the statute—it may not, by way of rulemaking, amend or overrule statutory provisions. This fact was emphasized in 1979 when the State Legislature enacted an amendment to the HAPA mandating the Legislative Auditor to review agency rules to determine if they violate the substantive authority under which the rules were adopted. The Auditor must submit to the Legislature a report itemizing rules which may be in violation of the enabling statute. The Legislature may thereafter take action in response to the Auditor's report.

The board or commission must carefully examine its enabling statute to determine its powers and jurisdiction. Once this is determined, the board must act within and must not exceed its clearly defined, statutorily created powers and jurisdiction. Too often boards attempt to impose admittedly excellent public policy without any statutory basis, or attempt to act outside of their stated jurisdiction. If a board adopts a rule which is in excess of the power given to it by the Legislature or goes against a statute, that "rule" is invalid.

For example, suppose a fictional board, the Board of Paper Collectors, has a statute which specifies that the duties of the board are to monitor paper collectors and to investigate complaints of the public. Further, suppose that the board wishes to not only monitor and investigate but establish the rates paper collectors may pay for paper. That action by the board exceeds the statutory duties of the board. In that situation the rule would clearly be invalid as it would go beyond the statutory duties of the board.

If the board identifies a problem area in which the board lacks authority to act, then the board should seek a legislative amendment to the statute.

If you have any question as to the foregoing or as to any procedure to be followed in promulgating a rule, please feel free to call upon this office for assistance.
I. Legislative Power

Article III, Section 1, State Constitution. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

II. Delegation of Legislative Powers to the Agency

The delegation of legislative powers to agency recognizes the impossibility for the legislature to specify with particularity the course of action to be followed. In such a situation, the legislature sets down the objects to be attained, legislates on the subject as far as it is reasonably practicable, and delegates the task of developing detailed regulations to an administrative agency. *Vega v. National Union Fire Ins. Co. of Pitt.*, 148 Haw. 148, 682 P.2d 73 (1984).

III. Limitation of Delegated Powers


A public administrative agency possesses only such rulemaking authority as is delegated to it by the state legislature and may only exercise this power within the framework of the statute under which it is conferred. *Stop H-3 Assn. v. State Dept. of Transportation*, 68 Haw. 154, 706 P.2d 446 (1985).

IV. Definition of Rule

"Rule" means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice
requirements of any agency. The term does not include regulations concerning only the internal management of any agency and not affecting private rights of or procedures available to the public, nor does the term include declaratory rulings issued pursuant to section 91-8, or intra-agency memoranda. HRS § 91-1(4).

V. Validity of Rules

a. The tests for determining the validity of an agency regulation are:

1. the regulations may not exceed the statutory authority;

2. they may not be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

3. the agency must follow necessary procedure requirements in the promulgation of the regulations.


b. In judging the validity of these rules and regulations, the only concern of the court is to ascertain whether the will of the legislature has been obeyed. Life of the Land v. West Beach Dev. Corp., 63 Haw. 529, 631 P.2d 588 (1981).

c. It is a basic premise controlling judicial review of administrative decisions that a presumption of validity is accorded to decisions of administrative bodies acting within their sphere of expertise, and one seeking to upset the decision bears the heavy burden of making a convincing showing that it is invalid. Costa v. Sunn, 5 Haw. App. 419, 697 P.2d 43 (1985).

d. Administrative rules which exceed the scope of the statutory enactment they devised to implement are invalid. Stop H-3 Assn. v. State Dept. of Transportation, 68 Haw. 154, 706 P.2d 446 (1985).
SUMMARY

UNIVERSITY OF HAWAII BOARD OF REGENTS


2. "Statement on Rights and Responsibilities of the University of Hawaii Community" of the University of Hawaii board of regents' rules is repealed.

3. "University of Hawaii Patent and Copyright Policy" is repealed.

4. "Rules and Regulations Governing Determination of Residency as Applied to Tuition Payments and Admission at All Institutions under the Jurisdiction of the Board of Regents of the University of Hawaii" is repealed.

5. "Tuition Schedule per Academic Year for All Institutions under the Jurisdiction of the Board of Regents of the University of Hawaii" is repealed.

6. "Tuition Schedule for the College of Continuing Education and Community Service and Summer Session at the University of Hawaii at Manoa and for the Center for Continuing Education and Community Service and Summer Session at the University of Hawaii at Hilo" is repealed.

7. "Tuition Schedule for the Executive Master of Business Administration Degree Program and Extended Master of Business Administration Degree Program" is repealed.

8. "Rules and Regulation Governing Senior Citizens Tuition Exemption Program at All Campuses under the Jurisdiction of the Board of Regents of the University of Hawaii" is repealed.

9. "Rules and Regulations Governing the Collection of Voluntary Contributions at All Institutions under the Jurisdiction of the Board of Regents of the University of Hawaii" is repealed.

10. "Rules and Regulations Governing the State Higher Education Loan Fund at All Institutions under the Jurisdiction of the Board of Regents of the University of Hawaii" is repealed.
11. "Rules and Regulations Governing Delinquent Financial Obligations Owed the University of Hawaii" is repealed.

12. "Revised Rules and Regulations Governing Parking and Operation of Motor Vehicles at the University of Hawaii at Manoa" is repealed.

13. "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the University of Hawaii Hilo Campus" is repealed.

14. "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Honolulu Community College Campus" is repealed.

15. "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Kapiolani Community College Campus" is repealed.


17. "Rules and Regulations Governing Parking and Operation of Motor Vehicles on the Kauai Community College Campus" is repealed.

18. "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Maui Community College Campus" is repealed.

19. "Customary Charges for Private Patients at Leahi Hospital - University of Hawaii" is repealed.

20. "Rules and Regulations Governing the Hawaii Educational Grants Program under the Jurisdiction of the Board of Regents, University of Hawaii" is repealed.

21. "Rules and Regulations Governing the Hawaii Student Incentive Grant Program under the Jurisdiction of the Board of Regents of the University of Hawaii" is repealed.

22. Chapters 7 and 9 are repealed.

23. New chapters 1 through 6, 8, 10 through 12, 17, and 18 are adopted.

24. Chapters 13 through 16, and 19 through 29 are reserved.
STATE BOARD FOR VOCATIONAL EDUCATION

1. "Rules of Practice and Procedure" promulgated by the State board for vocational education is repealed.

2. A new chapter 30 is adopted.

3. Chapters 31 through 39 are reserved.

STATE POSTSECONDARY EDUCATION COMMISSION

1. "Rules of Practice and Procedure" promulgated by the State postsecondary education commission is repealed.

2. "Rules and Regulations Governing the Hawaii Student Incentive Grant Program under the Jurisdiction of the State Postsecondary Education Commission - State of Hawaii" is repealed.

3. New chapters 40 and 41 are adopted.
Amendments to Title 20, Administrative Rules, on the Summary Page dated May 20, 1981 were adopted on May 20, 1981 following public hearings held on May 20, 1981 (Oahu), after public notices were given in the Honolulu Advertiser, the Hawaii Tribune-Herald, the Maui News and The Garden Island on April 20, 1981.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

Director
Dated: June 4, 1981

APPROVED AS TO FORM:

Deputy Attorney General

APPROVED:

GEORGE AriYoshi
Governor
State of Hawaii
Dated: June 9, 1981

Filed
TITLE 20
UNIVERSITY OF HAWAII
SUBTITLE 1
UNIVERSITY OF HAWAII BOARD OF REGENTS

Chapter 1 Rules of Practice and Procedure (6/22/81; am 8/13/88)
Chapter 2 Statement on Rights and Responsibilities of the University of Hawaii Community (6/22/81)
Chapter 3 University of Hawaii Patent and Copyright Policy (6/22/81)
Chapter 4 Determination of Residency as Applied to Tuition Payments and Admission (6/22/81; am 3/12/84; am 4/4/88)
Chapter 5 Tuition Schedules (6/22/81; am 11/27/81; am 6/10/83; am 6/20/85)
Chapter 6 Tuition Exemption Program for Senior Citizens (6/22/81)
Chapter 7 Student Housing (8/30/80; R6/22/81)
Chapter 8 State Higher Education Loan Fund (6/22/81; am 3/12/84)
Chapter 9 Faculty Housing (8/30/80; R 6/22/81)
Chapter 10 Delinquent Financial Obligation (6/22/81; am 4/4/88)
Chapter 11 Faculty Housing (6/22/81; am 12/31/81)
Chapter 12 Parking and Operation of Motor Vehicles (6/22/81; am 6/2/83)
Chapter 13 Use of University-Owned Facilities (8/26/82)
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Chapter 15 \[\text{Agricultural Diagnostic Services User Fees}\] (9/13/85)
Chapter 16 Personal Records (4/4/88)
Chapter 17 Collection of Voluntary Contributions (6/22/81)
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Chapter 19 Teacher Incentive Tuition Assistance Program (7/31/87)
Chapter 20 Protection of Educational Rights and Privacy of Students (4/4/88)
Chapter 30 State Board for Vocational Education (6/22/81)
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Chapter 3  University of Hawaii Patent and Copyright Policy
Chapter 4  Determination of Residency as Applied to Tuition Payments and Admission
Chapter 5  Tuition Schedules
Chapter 6  Tuition Exemption Program for Senior Citizens
Chapter 7  Repealed
Chapter 8  State Higher Education Loan Fund
Chapter 9  Repealed
Chapter 10  Delinquent Financial Obligations
Chapter 11  Faculty Housing
Chapter 12  Parking and Operation of Motor Vehicles
Chapter 13  (Reserved)  [Handwritten notes: 5/19/98]
Chapter 14  (Reserved)  [Handwritten notes: 12-3-96]
Chapter 15  (Reserved) [Fees of the University of Hawaii (am: 8-15-96)]
Chapter 16  (Reserved)
Chapter 17  Collection of Voluntary Contributions
Chapter 18  Student Housing
Chapter 19  (Reserved)
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STATE BOARD FOR VOCATIONAL EDUCATION

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Chapter 38    (Reserved)
Chapter 39    (Reserved)

SUBTITLE 3
STATE POSTSECONDARY EDUCATION COMMISSION

Chapter 40    Rules of Practice and Procedure
Chapter 41    Hawaii Student Incentive Grant Program
MEMORANDUM

TO: ALL DEPARTMENT HEADS

FROM: CORINNE K. A. WATANABE
      Attorney General

RE: CERTIFICATION OF AGENCY'S FINAL DECISIONS
    PURSUANT TO § 91-14(b), H.R.S.

October 24, 1986

Our office recently filed a Motion to Dismiss an appeal from an administrative decision on the ground that the notice of appeal was not filed within thirty days of receipt of the administrative decision as required by H.R.S. § 91-14. Although appellant had received a copy of the decision, she argued that because it was not a certified copy, the time for filing an appeal had not yet begun to run.

Judge Klein stated that the administrative agency must serve a certified copy of the decision on the parties as required by H.R.S. § 91-14(b). Section 91-14(b) provides, in part, that "proceedings for review shall be instituted in the circuit court . . . within thirty days after service of the certified copy of the final decision and order of the agency." Judge Klein therefore denied the motion to dismiss because the appellant had not received a certified copy of the final decision.

In light of this ruling by Judge Klein, we recommend that your department review its procedures to insure that in all H.R.S. Chapter 91 cases the parties are served with a certified copy of the final decision. If they are not served with a certified copy of the decision, the time for filing an appeal would never expire; a party would be able to file an appeal months after the decision is issued and we would be unable to obtain a dismissal.

Please call me if you have any questions.
HAWAII ADMINISTRATIVE RULES

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Prepared by:

Office of the Lieutenant Governor
State Capitol
Honolulu, Hawaii 96813
July, 1987
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Title 13, Chapter 123 which implements chapter 191, H.R.S.
Title 15, Chapter 14 which implements chapter 224, H.R.S.
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TITLE
UNIVERSITY OF HAWAI‘I

SUBTITLE 1
UNIVERSITY OF HAWAI‘I
BOARD OF REGENTS

CHAPTER 1
RULES OF PRACTICE AND PROCEDURE

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Subchapter 5 REPEALED
Historical Note: This chapter is based substantially upon "State of Hawai'i Board of Regents Rules of Practice and Procedure" of the University of Hawai'i board of regents rules and regulations. [Eff. 11/19/76; R 6/22/81]

SUBCHAPTER 1
RULES OF GENERAL APPLICABILITY

§20-1-1 Statement of policy. The following rules shall govern the practice and procedure before the board of regents of the University of Hawai'i under chapter 91, HRS. [Eff. 6/22/81; comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-2, 304-3, 304-4, 91-2)

§20-1-2 Definitions. (a) As used in the rules prescribed by the board, unless the context specifically requires otherwise:
"Board" means the board of regents of the University of Hawai'i.
"Committee" shall mean all committees of the board.
"Persons" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other that agencies.
"Petitioner" refers to the party or whose behalf a petition or application is made in proceeding involving petitions or applications for permission or authorization which the board may give under statutory or other authority delegated to it.
"President" means the president of the University of Hawai'i.
"Rule" means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the board. The term does not include matters concerning only the operation and management of internal affairs of the university not affecting private rights of or procedures available to the public nor does it include declaratory rulings issued pursuant to section 91-8, HRS, nor to intra-agency memoranda.
"Rulemaking hearings" means all meeting where proposed rules or amendments or repeal thereof are to be presented for public comment as provided by chapter 91, HRS.
"Secretary" means the secretary of the board.
"Standing committees" means the board's standing committees.
"University" means the campuses and facilities that fall under the jurisdiction of the board.
(b) Unless otherwise specifically stated, the terms used in rules adopted by the board pursuant to powers granted by statute shall have the meaning defined by such statute.
(c) A rule, which defines a term without express reference to the statute or to the rules of a portion thereof, defines such term for all purposes as used both in the statute and in the rules, unless the context otherwise specifically requires.
(d) Use of gender and number. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine gender. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-3 The board. (a) Office. The office of the board is in the office of the secretary of the board, situated in Honolulu, Hawai‘i. All communications to the board shall be addressed to the "Board of Regents, University of Hawai‘i, State of Hawai‘i, Honolulu, Hawai‘i 96822," unless otherwise specifically directed.

(b) Hours. The office of the board shall be open from 7:45 a.m. to 4:30 p.m. of each weekday except holidays and unless otherwise provided by statute or executive order.

(c) Sessions. The board shall meet not less often that ten times annually and may from time to time meet in each of the counties of Hawai‘i, Maui, and Kauai. the board may meet in executive sessions, from which the public may be excluded as provided by chapter 92, HRS.

(d) Quorum. A majority of the members to which the board is entitled shall constitute a quorum at any board meeting. A majority of the members of a committee of the Board shall constitute a quorum at any committee meeting.

(e) President. The president, as executive officer of the board, shall carry out the policies adopted by the board.

(f) Secretary. The secretary shall keep minutes of all meetings of the board, including standing committee meetings, prepare the agenda for these meetings, keep and maintain official records of the board and shall assign the secretary by the board through the chairperson.

(g) Unless otherwise provided in these rules, Robert’s rules of Order shall apply. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 80-1)

§20-1-4 Public records. (a) The term "Public records" as used in this part is defined as in section 92-50, HRS.

(b) All public records of the board shall be available for inspection during established office hours, subject to the limitations prescribed in section 92-51, HRS and chapter 92E, HRS.

(c) Copies of public records of the board, except as limited by section 92-51, HRS and chapter 92E, HRS, shall be available to any person who requests them and pays the fees necessary, if any, as set by law.

(d) Requests for public information, for permission records will be handled with due regard for the dispatch of other public duties. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2, 91-50, 91-51, 91-52) (Imp: HRS §§304-3, 304-4, 91-2, 92-50, 92-51, 92-52)
§20-1-5 Severability. If any provision of these rules, or the application of them to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable. [Eff. 6/22/81; comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-6 REPEALED. [R AUG 13 1988]

§20-1-7 Filing of documents.  (a) All documents required to be filed with the board shall be filed with the secretary. Such documents may be sent by mail or hand-carried to the board's office in Honolulu, Hawai'i, within the time limit, if any, for such filing. The date on which the documents are actually received by the board shall be deemed to be the date of filing.

(b) All documents must be signed by the party or a duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief every statements are misleading; and that it is not interposed for delay.

(c) The initial document filed by any person shall state on the first page thereof the name and mailing address of the person or persons who may be served with any documents filed.

(d) If any document filed does not conform with the applicable rules of the board as to the contents thereof, or is otherwise insufficient, the board, on its own motion of any interested person, may strike or dismiss such document or require its amendment. If amended, the document shall be effective as of the date of the original filing.

(e) All documents filed with or presented to the board may be retained in the files of the board. However, the board may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-7(d) is based substantially upon §20-1-10. §20-1-7(e) is based substantially upon §20-1-11. [Eff. 6/22/81; R AUG 13 1988]

§20-1-8 Computation of time. In computing any period of time prescribed by these rules or order of the board, provisions of section 1-29, HRS, shall apply. [Eff. 6/22/81; comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-9 REPEALED. [R AUG 13 1988]
§20-1-10 REPEALED. [R AUG 13 1988]

§20-1-11 REPEALED. [R AUG 13 1988]

§20-1-12 Counsel for the board. The Attorney General of the State of Hawai‘i shall be designated as legal counsel for the board. The attorney general or a representative, in the capacity as legal counsel for the board, may be present at all meetings and hearings governed by these rules. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 28-4)

SUBCHAPTER 2
MEETINGS


§20-1-14Appearances in a Meeting. (a) Any person shall be afforded an opportunity to present oral testimony to the board or to its standing or select committees at the meetings on any agenda item.

(b) In order to ensure an orderly and efficient meeting, any person who wants to appear before the board or its standing or select committees to present testimony is requested to notify the secretary of the board at least twenty-four hours prior to the meeting of the board or its standing or select committee and, if possible, submit a written copy of the testimony to the secretary prior to the meeting.

(c) The chairperson of a meeting shall have the authority to limit or terminate any testimony which the chairperson determines to be repetitious or made solely for purposes of delay. Further, the chairperson of the meeting shall have authority to remove any person who willfully disrupts the conduct of a meeting and to impose other reasonable conditions to ensure an orderly and efficient meeting. This rule shall not limit, however the powers of the board or its chairperson under section 20-1-3(g).

(d) A person may be represented by or with counsel or other duly qualified representative before the board. The board may at any time require any person appearing before the board in a representative capacity to show his authority and qualification to act in such capacity. [Eff. 6/22/81; am and comp 8/13/88; am AUG
§20-1-15


Historical note: §20-1-14 is based substantially upon Article IV, G. and H., Bylaws of the Board of Regents, University of Hawai‘i.

§20-1-15 Voting. (a) The concurrence of a majority of all the members to which the board or its standing committees are entitled shall be required to make valid any action of the board or standing committee, respectively, except that:

(1) two-thirds vote of all members to which the board or a standing committee is entitled shall be required to change the agenda of the meeting after the agenda has been filed with the Office of the Lieutenant governor;

(2) two-thirds vote of all members to which the board is entitled shall be required to amend the board’s bylaws; and,

(3) a majority vote of the members present may pass a procedural motion.

(b) Dissenting votes and abstentions shall be recorded in the minutes. An abstention shall not be considered a positive or negative vote. [Eff. 6/22/91; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-15 is based substantially upon Article VI, Bylaws of the Board of Regents, University of Hawai‘i.

§20-1-16 Repealed. [R AUG 1988]

SUBCHAPTER 3

RULES APPLICABLE TO RULEMAKING HEARING

§20-1-17 General. The board’s rulemaking hearings shall comply with the applicable provisions of chapters 91 and 92, HRS. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-18 Conduct of rulemaking hearing. (a) Public hearing. Unless otherwise specifically directed by the board, all rulemaking hearings shall be held at Honolulu when the entire State or a major portion thereof is affected by the proposed adoption, amendment or repeal of a rule. However, the board may hold such hearings on a neighbor island if a written request for such hearings is received by the board within the time specified in the public notice. In all cases, however, written testimony may be received by the board in accordance with these rules.
(b) Presiding officer. Each rulemaking hearing shall be presided over by the board chairperson or a member of the board as designated by the board chairperson. The presiding officer shall have authority to take all actions necessary to the orderly conduct of the hearing.

(c) Continuance of rulemaking hearing. Each such hearing shall be held at the time and place set in the notice of hearing, but may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.

(d) Order of hearing. At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(e) Conduct of hearing. All interested persons shall be given reasonable opportunity to submit written or oral testimony or evidence with respect to the matters specified in the notice of hearing. The presiding officer shall confine the testimony to the questions before the hearing and is empowered to confine the testimony so as to keep order. Every person testifying may be subject to questioning by any member of the board or its counsel, but questioning by private persons shall not be permitted unless the presiding officer expressly permits it.

(f) Transcript of the testimony. Unless otherwise specifically ordered by the board or the presiding officer, testimony given at the hearing need not be reported verbatim. All supporting written statements and data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, an original and fourteen copies of the exhibits shall be submitted. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-2)

§20-1-19 REPEALED. [R AUG 13 1988]

§20-1-20 REPEALED [R AUG 13 1988]

§20-1-21 Petitions for adoption, amendment or repeal of rules. (a) Scope. Any interested person, organization or agency may petition the board for the adoption, amendment, modification or repeal of any rule as defined in this chapter.

(b) Form and contents. Petitions for rulemaking shall conform to the requirements of section 20-1-7. Such petition for rulemaking (1) shall set forth the text of any proposed rule or amendment desired or shall specify the rule the repeal of which is desired, and (2) shall state concisely the nature of the
petitioner’s interest in the subject matter and the reasons for seeking the adoption, amendment or repeal of the rule; and (3) shall include any facts, views, arguments and data deemed relevant by petitioner. The board may also require the petitioner to serve other persons, organizations or agencies known to be interested in the proposed rulemaking. No request for the adoption, amendment, modification or repeal of a rule which does not conform to the requirements set forth above will be considered by the board.

(c) Procedure. The board shall, within thirty days following the filing of the petition, either deny the petition in writing or initiate public rulemaking procedures. No public hearing, oral argument or other form of proceeding will be held directly on any such decision, but if the board determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition does not concern a rule, the board shall deny the petition and the petitioner will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the board, on its own motion, from acting on any matter disclosed in any petition. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 92-4, 91-5)

§20-1-22 Public information. The board shall keep a compilation of all rules adopted by the board which are in effect. The compilation shall be supplemented, revised and made available to the public as provided by these rules and chapters 91 and 92, HRS. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2 Imp: HRS §§304-3, 304-4, 91-2, 92-4, 91-5)

SUBCHAPTER 4

DECLARATORY RULINGS

§20-1-23 Petition for declaratory rulings. (a) Form and contents. On petition of an interested person, the board may issue a declaratory order as to the applicability of any statutory provision or of any rule or order of the board. Petitions for the issuance of such orders shall state clearly and concisely the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and the reasons or grounds prompting the petition, together with full disclosure of petitioner’s interest, and shall conform to the requirements of section 20-1-7.

(b) Additional data and supporting authorities. The board, upon receipt of the petition, may require the petitioner to file additional data or a memorandum of legal authorities in support of the position taken by the petitioner.
(c) Dismissal. The board may, without notice or hearing, dismiss a petition for declaratory ruling which fails in material respect to comply with the requirements of this part.

(d) Request for hearing. Although in the usual course of disposition of a petition for a declaratory ruling no formal hearing will be granted to the petitioner or to a party in interest, the board may at its discretion order such proceeding set down for hearing. Any petitioner or party in interest, who desires a hearing on a petition for declaratory ruling, shall set forth in detail in a request the reasons why the matters alleged in the petition, together with supporting affidavits or other written evidence, will not permit the fair expeditious disposition of the petition. In addition, to the extent that such request for hearing is dependent upon factual assertion, the petitioner shall accompany the request with an affidavit establishing such facts. In the event a hearing is ordered by the board, sections 91-9 thru 91-13, HRS, shall govern the proceedings.

(e) Declaratory ruling on board’s own motion. Notwithstanding the other provisions of this part, the board may, on its own motion or upon request, but without notice or hearing, issue a written declaratory order to terminate a controversy or to remove uncertainty. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4,91-2) (Imp: HRS §§304-4, 304-4, 91-2, 91-7, 91-8)

SUBCHAPTER 5 REPEALED. [R AUG 13 1988]
TITLE 20
UNIVERSITY OF HAWAII
SUBTITLE 1
UNIVERSITY OF HAWAII
BOARD OF REGENTS
CHAPTER 1
RULES OF PRACTICE AND PROCEDURE

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Subchapter 4 Declaratory Rulings

1-1
§20-1-23 Petition for declaratory rulings

Subchapter 5 REPEALED

Historical Note: This chapter is based substantially upon "State of Hawaii Board of Regents Rules of Practice and Procedure" of the University of Hawaii board of regents rules and regulations. [Eff. 11/19/76; R 6/22/81]

SUBCHAPTER 1
RULES OF GENERAL APPLICABILITY

§20-1-1 Statement of policy. The following rules shall govern the practice and procedure before the board of regents of the University of Hawaii under chapter 91, HRS. [Eff. 6/22/81; comp AUG 13, 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-2, 304-3, 304-4, 91-2)

§20-1-2 Definitions. (a) As used in the rules prescribed by the board, unless the context specifically requires otherwise:
   "Board" means the board of regents of the University of Hawaii.
   "Committee" shall mean all committees of the board.
   "Persons" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.
   "Petitioner" refers to the party on whose behalf a petition or application is made in proceedings involving petitions or applications for permission or authorization which the board may give under statutory or other authority delegated to it.
   "President" means the president of the University of Hawaii.
   "Rule" means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the board. The term does not include matters concerning only the operation and management of internal affairs of the university not affecting private rights of or procedures available to the public nor does it include declaratory rulings issued pursuant
to section 91-8, HRS, nor to intra-agency memoranda. "Rulemaking hearings" means all meetings where proposed rules or amendments or repeal thereof are to be presented for public comment as provided by chapter 91, HRS.

"Secretary" means the secretary of the board.

"Standing committees" means the board's standing committees.

"University" means the campuses and facilities that fall under the jurisdiction of the board.

(b) Unless otherwise specifically stated, the terms used in rules adopted by the board pursuant to powers granted by statute shall have the meaning defined by such statute.

(c) A rule, which defines a term without express reference to the statute or to the rules of a portion thereof, defines such term for all purposes as used both in the statute and in the rules, unless the context otherwise specifically requires.

(d) Use of gender and number. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine gender. [Eff. 6/22/81, am and comp AUG 13, 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-3 The board. (a) Office. The office of the board is in the office of the secretary of the board, situated in Honolulu, Hawaii. All communications to the board shall be addressed to the "Board of Regents, University of Hawaii, State of Hawaii, Honolulu, Hawaii 96822," unless otherwise specifically directed.

(b) Hours. The office of the board shall be open from 7:45 a.m. to 4:30 p.m. of each weekday except holidays and unless otherwise provided by statute or executive order.

(c) Sessions. The board shall meet not less often than ten times annually and may from time to time meet in each of the counties of Hawaii, Maui, and Kauai. The board may meet in executive sessions, from which the public may be excluded as provided by chapter 92, HRS.

(d) Quorum. A majority of the members to which the board is entitled shall constitute a quorum at any board meeting. A majority of the members of a committee of the Board shall constitute a quorum at any
committee meeting.

(e) President. The president, as executive officer of the board, shall carry out the policies adopted by the board.

(f) Secretary. The secretary shall keep minutes of all meetings of the board, including standing committee meetings, prepare the agenda for these meetings, keep and maintain official records of the board and shall undertake any duties and responsibilities properly assigned to the secretary by the board through the chairperson.

(g) Unless otherwise provided in these rules, Robert's Rules of Order shall apply. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 80-1)

§20-1-4 Public records. (a) The term "Public records" as used in this part is defined as in section 92-50, HRS.

(b) All public records of the board shall be available for inspection during established office hours, subject to the limitations prescribed in section 92-51, HRS and chapter 92E, HRS.

(c) Copies of public records of the board, except as limited by section 92-51, HRS and chapter 92E, HRS, shall be available to any person who requests them and pays the fees necessary, if any, as set by law.

(d) Requests for public information, for permission to inspect public records, or for copies of public records will be handled with due regard for the dispatch of other public duties. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2, 91-50, 91-51, 91-52) (Imp: HRS §§304-3, 304-4, 91-2, 92-50, 92-51, 92-52)

§20-1-5 Severability. If any provision of these rules, or the application of them to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable. [Eff. 6/22/81; comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3. 304-4, 91-2)
§20-1-7 **Filing of documents.** (a) All documents required to be filed with the board shall be filed with the secretary. Such documents may be sent by mail or hand-carried to the board's office in Honolulu, Hawaii, within the time limit, if any, for such filing. The date on which the documents are actually received by the board shall be deemed to be the date of filing.

(b) All documents must be signed by the party or a duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) The initial document filed by any person shall state on the first page thereof the name and mailing address of the person or persons who may be served with any documents filed.

(d) If any document filed does not conform with the applicable rules of the board as to the contents thereof, or is otherwise insufficient, the board, on its own motion, or on motion of any interested person, may strike or dismiss such document or require its amendment. If amended, the document shall be effective as of the date of the original filing.

(e) All documents filed with or presented to the board may be retained in the files of the board. However, the board may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. [Eff. 6/22/81; am and comp AUG 1 3 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-7(d) is based substantially upon §20-1-10. §20-1-7(e) is based substantially upon §20-1-11. [Eff. 6/22/81; R AUG 1 3 1988 ]

§20-1-8 **Computation of time.** In computing any period of time prescribed by these rules or order of the board, provisions of section 1-29, HRS, shall apply. [Eff. 6/22/81; comp AUG 1 3 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)
§20-1-9 REPEALED. [R AUG 13 1988 ]

§20-1-10 REPEALED. [R AUG 13 1988 ]

§20-1-11 REPEALED. [R AUG 13 1988 ]

§20-1-12 Counsel for the board. The Attorney General of the State of Hawaii shall be designated as legal counsel for the board. The attorney general or a representative, in the capacity as legal counsel for the board, may be present at all meetings and hearings governed by these rules. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 28-4)

SUBCHAPTER 2

MEETINGS


§20-1-14 Appearances in a Meeting. (a) Subject to strict compliance with board rules, any person shall be afforded an opportunity to present oral testimony to the board or to its standing committees at the meetings on any agenda item.

(b) Any person who wants to appear before the board or its standing committees to present testimony must make a request to the secretary at least twenty-four hours prior to the meeting of the board or its standing committee, unless this requirement is waived by a two-thirds vote of all board members present at the meeting in question. A written copy of the testimony must be submitted to the secretary prior to the meeting unless this requirement is waived by a two-thirds vote of all board members present at the meeting in question.

(c) The chairperson of a meeting shall have the authority to limit or terminate any testimony which the
chairperson determines to be repetitious or made solely for purposes of delay. This rule shall not limit, however, the powers of the board or its chairperson under section 20-1-3(g).

(d) A person may be represented by or with counsel or other duly qualified representative before the board. The board may at any time require any person appearing before the board in a representative capacity to show his authority and qualification to act in such capacity. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-14 is based substantially upon Article IV. G. and H., Bylaws of the Board of Regents, University of Hawaii.

§20-1-15 Voting. (a) The concurrence of a majority of all the members to which the board or its standing committees are entitled shall be required to make valid any action of the board or standing committee, respectively, except that:

(1) two-thirds vote of all members to which the board or a standing committee is entitled shall be required to change the agenda of the meeting after the agenda has been filed with the Office of the Lieutenant Governor;

(2) two-thirds vote of all members to which the board is entitled shall be required to amend the board's Bylaws; and,

(3) a majority vote of the members present may pass a procedural motion.

(b) Dissenting votes and abstentions shall be recorded in the minutes. An abstention shall not be considered a positive or negative vote. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-15 is based substantially upon Article VI, Bylaws of the Board of Regents, University of Hawaii.

§20-1-16 REPEALED. [R AUG 13 1988]

1-7
SUBCHAPTER 3
RULES APPLICABLE TO RULEMAKING HEARINGS

§20-1-17 General. The board's rulemaking hearings shall comply with the applicable provisions of chapters 91 and 92, HRS. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)]

§20-1-18 Conduct of rulemaking hearing. (a) Public hearing. Unless otherwise specifically directed by the board, all rulemaking hearings shall be held at Honolulu when the entire State or a major portion thereof is affected by the proposed adoption, amendment or repeal of a rule. However, the board may hold such hearings on a neighbor island if a written request for such a hearing is received by the board within the time specified in the public notice. In all cases, however, written testimony may be received by the board in accordance with these rules.

When a matter affects only a county other than the City and County of Honolulu, then the hearing shall be held in that county.

(b) Presiding officer. Each rulemaking hearing shall be presided over by the board chairperson or a member of the board as designated by the board chairperson. The presiding officer shall have authority to take all actions necessary to the orderly conduct of the hearing.

(c) Continuance of rulemaking hearing. Each such hearing shall be held at the time and place set in the notice of hearing, but may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.

(d) Order of hearing. At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(e) Conduct of hearing. All interested persons shall be given reasonable opportunity to submit written or oral testimony or evidence with respect to the matters specified in the notice of hearing. The
presiding officer shall confine the testimony to the questions before the hearing and is empowered to confine the testimony so as to keep order. Every person testifying may be subject to questioning by any member of the board or its counsel, but questioning by private persons shall not be permitted unless the presiding officer expressly permits it.

(f) Transcript of the testimony. Unless otherwise specifically ordered by the board or the presiding officer, testimony given at the hearing need not be reported verbatim. All supporting written statements and data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, an original and fourteen copies of the exhibits shall be submitted. [Eff. 6/22/81; am and comp Aug 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-2)

§20-1-19 REPEALED. [R Aug 13 1988]

§20-1-20 REPEALED. [R Aug 13 1988]

§20-1-21 Petitions for adoption, amendment or repeal of rules. (a) Scope. Any interested person, organization or agency may petition the board for the adoption, amendment, modification or repeal of any rule as defined in this chapter.

(b) Form and contents. Petitions for rulemaking shall conform to the requirements of section 20-1-7. Such petition for rulemaking (1) shall set forth the text of any proposed rule or amendment desired or shall specify the rule the repeal of which is desired, and (2) shall state concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the adoption, amendment or repeal of the rule; and (3) shall include any facts, views, arguments and data deemed relevant by petitioner. The board may also require the petitioner to serve other persons, organizations or agencies known to be interested in the proposed rulemaking. No request for the adoption, amendment, modification or repeal of a rule which does not conform to the requirements set
forth above will be considered by the board.

(c) Procedure. The board shall, within thirty days following the filing of the petition, either deny the petition in writing or initiate public rulemaking procedures. No public hearing, oral argument or other form of proceeding will be held directly on any such decision, but if the board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rulemaking proceedings, the procedures to be followed will be as set forth in this subchapter. Where the board determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition does not concern a rule, the board shall deny the petition and the petitioner will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the board, on its own motion, from acting on any matter disclosed in any petition. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-6)

§20-1-22 Public information. The board shall keep a compilation of all rules adopted by the board which are in effect. The compilation shall be supplemented, revised and made available to the public as provided by these rules and chapters 91 and 92, HRS. [Eff. 6/22/81; am and comp AUG 13 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 92-4, 91-5)

SUBCHAPTER 4

DECLARATORY RULINGS

§20-1-23 Petition for declaratory rulings. (a) Form and contents. On petition of an interested person, the board may issue a declaratory order as to the applicability of any statutory provision or of any rule or order of the board. Petitions for the issuance of such orders shall state clearly and concisely the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and the reasons or grounds prompting the petition, together with full disclosure of petitioner's
interest, and shall conform to the requirements of section 20-1-7.

(b) Additional data and supporting authorities. The board, upon receipt of the petition, may require the petitioner to file additional data or a memorandum of legal authorities in support of the position taken by the petitioner.

(c) Dismissal. The board may, without notice or hearing, dismiss a petition for declaratory ruling which fails in material respect to comply with the requirements of this part.

(d) Request for hearing. Although in the usual course of disposition of a petition for a declaratory ruling no formal hearing will be granted to the petitioner or to a party in interest, the board may at its discretion order such proceeding set down for hearing. Any petitioner or party in interest, who desires a hearing on a petition for declaratory ruling, shall set forth in detail in a request the reasons why the matters alleged in the petition, together with supporting affidavits or other written evidence, will not permit the fair and expeditious disposition of the petition. In addition, to the extent that such request for hearing is dependent upon factual assertion, the petitioner shall accompany the request with an affidavit establishing such facts. In the event a hearing is ordered by the board, sections 91-9 thru 91-13, HRS, shall govern the proceedings.

(e) Declaratory ruling on board's own motion. Notwithstanding the other provisions of this part, the board may, on its own motion or upon request, but without notice or hearing, issue a written declaratory order to terminate a controversy or to remove uncertainty. [Eff. 6/22/81; am and comp Aug 13, 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-7, 91-8)

SUBCHAPTER 5 REPEALED. [R Aug 13, 1988]
UNIVERSITY OF HAWAII

Amendments to chapter 20-1, Hawaii Administrative Rules, on the Summary Page dated July 22, 1988, were adopted on July 22, 1988, following a public hearing held on July 21, 1988, after public notice was given in the Honolulu Advertiser on June 30, 1988.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Gladys A. Brandt
Chairman, Board of Regents
University of Hawaii

John D. Waihee
Governor
State of Hawaii
Dated: AUG 3 1988

Filed

APPROVED AS TO FORM:

Harris A. Leaio
Deputy Attorney General
TITLE 20
UNIVERSITY OF HAWAII
SUBTITLE 1
UNIVERSITY OF HAWAII
BOARD OF REGENTS
CHAPTER 1
RULES OF PRACTICE AND PROCEDURE

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Historical Note: This chapter is based substantially upon "State of Hawaii Board of Regents Rules of Practice and Procedure" of the University of Hawaii board of regents rules and regulations. [Eff. 11/19/76; R JUN 22 1981]

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-1-1 Statement of policy. The following rules shall govern the practice and procedure before the board of regents of the University of Hawaii under chapter 91, HRS. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-2, 304-3, 304-4, 91-2)

§20-1-2 Definitions. (a) As used in the rules, prescribed by the board, unless the context specifically requires otherwise:
"Board" means the board of regents of the University of Hawaii and for purposes of this chapter shall not include committees of the board.
"Chairperson" means the chairperson of the board.
"Committee" shall mean all committees of the board including the committee of the whole.
"Contested case" means a proceeding in which the legal rights, duties or privileges of specific parties are required by law to be determined by the board after an opportunity for a hearing.
"Executive officer" means the president of the University of Hawaii.
"Party" wherever used in these rules, shall mean each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party in a contested case.
"Persons" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.
"Petitioner" refers to the party on whose behalf a petition or application is made in proceedings involving petitions or applications for permission or authorization which the board may give under statutory or other authority delegated to it.
"Proceedings" as used in these rules, shall mean the board's elucidation of the relevant facts and applicable law, consideration thereof and action with respect to a particular subject within the board's jurisdiction. It does not apply to rulemaking hearings, contested cases or committee meetings.

"Rule" as used in these rules means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the board. The term does not include matters concerning only the operation and management of internal affairs of the university not affecting private rights of or procedures available to the public nor does it include declaratory rulings issued pursuant to section 91-8, HRS, nor to intragency memoranda.

"Rulemaking hearings" as used in these rules, shall mean all meetings where proposed rules or amendments or repeal thereof are to be presented for public comment as provided by chapter 91, HRS. It shall not apply to board meetings relating to the operation and management of internal affairs of the university nor to hearings for contested cases.

"Secretary" means the secretary of the board.

"University" means the campuses and facilities that fall under the jurisdiction of the board.

(b) Unless otherwise specifically stated, the terms used in rules promulgated by the board pursuant to powers granted by statute shall have the meaning defined by such statute.

(c) A rule which defines a term without express reference to the statute or to the rules of a portion thereof, defines such terms for all purposes as used both in the statute and in the rules, unless the context otherwise specifically requires.

(d) Use of gender and number. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine gender.


§20-1-3 The board. (a) Office. The office of the board is in the office of the secretary of the board, situated in Honolulu, Hawaii. All communications to the board shall be addressed to the "Board of Regents, University of Hawaii, State of Hawaii, Honolulu, Hawaii 96822," unless otherwise specifically directed.

(b) Hours. The office of the board shall be open
§20-1-3
from 7:45 a.m. to 4:30 p.m. of each weekday except holidays and unless otherwise provided by statute or executive order.

(c) Sessions. The board shall meet not less often than ten times annually and may from time to time meet in each of the counties of Hawaii, Maui, and Kauai. The board may meet in executive session, from which the public may be excluded as provided by chapter 92, HRS.

(d) Quorum and voting. A majority of the members to which the board is entitled shall constitute a quorum at any proceeding or hearing. The concurrence of a majority of all the members to which the board is entitled shall be necessary to make any action of the board valid except for procedural action.

(e) President. As stated in the Constitution of the State of Hawaii, the president, as executive officer of the board, shall carry out the policies adopted by the board.

(f) Secretary. The secretary shall keep minutes of all regular and special meetings of the board, including committee meetings, prepare the agenda for these meetings, keep and maintain official records of the board and shall undertake any duties and responsibilities properly assigned to the president by the board through the chairperson.

(g) Unless otherwise provided in these rules, Robert's Rules of Order shall apply. [Eff. JUN 22 1991]

(Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 80-1)

§20-1-4 Public records. (a) The term "public records" as used in this part is defined as in section 92-50, HRS.

(b) All public records of the board shall be available for inspection during established office hours, subject to the limitations prescribed in section 91-51, HRS.

(c) All public records of the board except as limited by section 92-51, HRS, shall be available to any person who requests them and pays the fees necessary, if any, as set by law.

(d) Requests for public information, for permission to inspect public records or for copies of public records will be handled with due regard for the dispatch of other public duties. [Eff. JUN 22 1991]


§20-1-5 Severability. If any provision of these rules, or the application of them to any person or circumstance is held invalid, the invalidity does not
§20-1-6. Appearances before the board. (a) An individual may appear in his own behalf, a member of a partnership may represent the partnership, a bona fide officer of a corporation or association may represent the corporation or association and an officer or employee of an agency of the State or a political subdivision of the State may represent such agency before the board.

(b) A person may be represented by or with counsel or other duly qualified representative before the board.

(c) When an individual acting in a representative capacity appears in person or signs a paper in practice before the board, the personal appearance or signature shall constitute a representation to the board that under the provisions of these rules and the law, the individual is authorized and qualified to represent the particular person on whose behalf the action is taken. The board may at any time require any person appearing before the board in a representative capacity to show his authority and qualification to act in such capacity. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-7. Filing of documents. (a) All documents required to be filed with the board shall be filed with the secretary. Such documents may be sent by mail or hand-carried to the board's office in Honolulu, Hawaii, within the time limit, if any, for such filing. The date on which the documents are actually received by the board shall be deemed to be the date of filing.

(b) All documents must be signed by the party or a duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) The initial document filed by any person shall state on the first page thereof the name and mailing address of the person or persons who may be served with any documents filed. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)
§20-1-8 Computation of time. In computing any period of time prescribed by these rules or order of the board, provisions of section 1-29, HRS, shall apply. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-9 Continuance or extension of time. Whenever a person or agency is required to take action within the period prescribed or allowed by these rules, by notice given thereunder or by an order or regulation, the chairperson may:

(1) Before the expiration of the prescribed period, with or without notice, extend such period; or

(2) Upon motion, permit the act to be done after the expiration of a specified period where the failure to act is clearly shown to be the result of excusable neglect.


§20-1-10 Amendment of documents. If any document filed does not conform with the applicable rules of the board as to the contents thereof, or is otherwise insufficient, the board, on its own motion, or on motion of any interested person, may strike or dismiss such document or require its amendment. If amended, the document shall be effective as of the date of the original filing. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-11 Retention of documents by the board. All documents filed with or presented to the board may be retained in the files of the board. However, the board may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-12 Counsel for the board. The attorney general or a representative, in the capacity as counsel for the board, may be present at all proceedings, hearings or contested cases governed by these rules. The attorney general or a representative shall be designated as counsel for the board. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 28-4)
SUBCHAPTER 2

PROCEEDINGS BEFORE THE BOARD

§20-1-13 General. (a) The board may, on its own motion or on petition of any interested person, group, organization, or agency hold such proceedings as it may deem necessary from time to time for the purpose of obtaining information necessary or helpful in the carrying out of its duties. For such purposes it may call witnesses and call for the production of documents and other relevant statements. Procedures to be followed by the board shall, unless specifically prescribed in these rules, be such as in the opinion of the board will best serve the purposes of such proceedings.


§20-1-14 Appearances in a proceeding. (a) No person shall be permitted to appear before the board to speak on any matter which has been brought before a committee of the board or which is listed as an exception under section 91-5, HRS, or which is not treated as a public record or not available to inspection under sections 92-50 and 92-51, HRS. This rule may be waived by a two-thirds vote of all board members present at the meeting in question.

(b) Subject to the limitations of subsection (a) above, any person who wants to appear before the board to present testimony must make a request to the secretary at least twenty-four hours prior to the meeting of the board unless waived by a two-thirds vote of all board members present at the meeting in question. A written copy of such testimony must be submitted prior to the meeting unless waived by a two-thirds vote of all board members present at the meeting in question.

The board, upon two-thirds vote of all members present, shall have the authority to limit or terminate any testimony which it determines to be repetitious or made solely for purposes of delay. This rule shall not limit, however, the powers of the board or its chairperson under section 20-1-3(g). [Eff. JUN 22 1991 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-15 Board decision. All final decisions of the board in a proceeding shall be available for public
§20-1-15

inspection in the office of the board or may be obtained upon request and upon payment of charges, if any. [Eff. JUN 22 1981 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-16 Consolidations. The board, upon its own initiation or upon motion, may consolidate for consideration or for other purposes two or more issues which involve substantially the same persons, or issues which are the same or closely related, if it finds that such consolidation will be conducive to the proper dispatch of its business and will not unduly delay the proceeding. [Eff. JUN 22 1981 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

SUBCHAPTER 3

RULES APPLICABLE TO RULEMAKING HEARINGS

§20-1-17 Notice of proposed rulemaking. (a) When pursuant to a petition therefor, or upon its own motion, the board proposes to issue, amend or repeal a rule, notice of proposed rulemaking will be published in accord with chapters 91 and 92, HRS.

(b) A notice of the proposed issuance, amendment, or repeal of a rule shall include:

(1) A statement of the date, time, and place where the public hearing shall be held.

(2) Reference to the authority under which the issuance, amendment, or repeal of a rule is proposed.

(3) A statement of the substance of the proposed rulemaking.


§20-1-18 Conduct of rulemaking hearing. (a) Public hearing. Unless otherwise specifically directed by the board, all rulemaking hearings shall be held at Honolulu when the entire State or a major portion thereof is affected by the proposed issuance, amendment or repeal of a rule. However, the board may hold such hearings on a neighbor island if a written request for such a hearing is received by the board within the time specified in the public notice. In all cases, however, written testimony may be received by the board in accordance with these rules.

When a matter affects only a county other than Oahu, then the hearing shall be held in that county.

(b) Presiding officer. Each such rulemaking
hearing shall be presided over by the chairperson or a member of the board as designated by the chairperson. The hearing shall be conducted in such a way as to afford interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the proceeding.

(c) Continuance of rulemaking hearing. Each such hearing shall be held at the time and place set in the notice of hearing, but may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.

(d) Order of hearing. At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(e) Conduct of hearing. All interested persons shall be given reasonable opportunity to submit written or oral testimony or evidence with respect to the matters specified in the notice of hearing. The conduct of the hearing and filing of all documents shall be in accord with sections 20-1-6 through 20-1-12. The presiding officer shall confine the testimony to the questions before the hearing and is empowered to confine the testimony so as to keep order. Every person testifying may be subject to questioning by any member of the board or its counsel, but questioning by private persons shall not be permitted unless the presiding officer expressly permits it.

(f) Transcript of the testimony. Unless otherwise specifically ordered by the board or the presiding officer, testimony given at the hearing need not be reported verbatim. All supporting written statements and data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, an original and fourteen copies of the exhibits shall be submitted. [Eff. JUN 22 1960] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-3)

§20-1-19 Board action. At the final public hearing, the board may make its decision or announce the date when its decision shall be made. The board
§20-1-19

will consider all-relevant comments and material of record before taking final action in a rulemaking hearing. [Eff. JUN 22 1991] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-20 Emergency rulemaking. Notwithstanding the foregoing rules, if the board finds that an imminent peril to public health, safety, or morals requires adoption, amendment or repeal of a rule upon less than twenty days notice of hearing, and states in writing its reason for such finding, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule to be effective for a period not longer than one hundred and twenty days without renewal. [Eff. JUN 22 1988] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-3)

§20-1-21 Petitions for adoption, amendment or repeal of rules. (a) Scope. Any interested persons, organization or agency may petition the board for the issuance, amendment, modification or repeal of any rule as defined in this chapter.

(b) Form and contents. Petitions for rulemaking shall conform to the requirements of section 20-1-7. Such petition for rulemaking shall set forth the text of any proposed rule or amendment desired; or shall specify the rule the repeal of which is desired and shall state concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the issuance, amendment or repeal of the rule; and shall include any facts, views, arguments and data deemed relevant by petitioner. The board may also require the petitioner to serve other persons, organizations or agencies known to be interested in the proposed rulemaking. No request for the issuance, amendment, modification or repeal of a rule which does not conform to the requirements set forth above will be considered by the board.

(c) Procedure. The board shall within thirty days following the filing of the petition either deny the petition in writing or initiate public rulemaking procedures. No public hearing, oral argument or other form of proceedings will be held directly on any such decision, but if the board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rulemaking proceedings, the procedures to be followed will be as set forth in sections 20-1-17 through 20-1-19. Where the board determines that the petition does not disclose sufficient reasons to justify the
§20-1-23

Institution of public rulemaking procedures, or where the petition does not concern a rule, the board shall deny the petition and the petitioner will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the board, on its own motion, from acting on any matter disclosed in any petition.

§20-1-22 Filing and publication. (a) The board, after obtaining the approval of the governor of any rule, shall file certified copies of the rule with the lieutenant governor.
(b) The board shall also keep a compilation of all such rules adopted by the board which are still in effect. The compilation shall be supplemented, revised and made available to the public as provided by these rules and chapters 91 and 92, HRS. [Eff. JUN 22 1981 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-4, 91-5)

SUBCHAPTER 4

DECLARATORY RULINGS

§20-1-23 Petition for declaratory rulings. (a) Form and contents. On petition of an interested person, the board may issue a declaratory order as to the applicability of any statutory provision or of any rule or order of the board. Petitions for the issuance of such orders shall state clearly and concisely the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and the reasons or grounds prompting the petition, together with full disclosure of petitioner's interest and shall conform to the requirements of section 20-1-7.
(b) Additional data and supporting authorities. The board, upon receipt of the petition, may require the petitioner to file additional data or a memorandum of legal authorities in support of the position taken by the petitioner.
(c) Dismissal. The board may, without notice or hearing, dismiss a petition or declaratory ruling which fails in material respect to comply with the requirements of this part.
(d) Request for hearing. Although in the usual course of disposition of a petition for a declaratory ruling no formal hearing will be granted to the petitioner or to a party in interest, the board may at
its discretion order such proceeding set down for hearing. Any petitioner or party in interest, who desires a hearing on a petition for declaratory ruling, shall set forth in detail in a request the reasons why the matters alleged in the petition, together with supporting affidavits or other written evidence will not permit the fair and expeditious disposition of the petition. In addition, to the extent that such request for hearing is dependent upon factual assertion, the petitioner shall accompany the request with an affidavit establishing such facts. In the event a hearing is ordered by the board, sections 20-1-24 and 20-1-25 shall govern the proceedings.

(e) Declaratory ruling on board's own motion.
Notwithstanding the other provisions of this part, the board may, on its own motion or upon request, but without notice or hearing, issue a written declaratory order to terminate a controversy or to remove uncertainty. [Eff. JUN 22 1981] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-7, 91-8)

SUBCHAPTER 5
RULES APPLICABLE TO CONTESTED CASES

§20-1-24 Delegation of powers. The board shall have the power to delegate the power to hear contested cases. The decision of said delegate shall be deemed to be the decision of the board but may be subject to review by the board on its own motion.

§20-1-25 Procedure. (a) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.
(b) The notice shall include a statement of:
(1) The date, time, place, and nature of hearing.
(2) The legal authority under which the hearing is to be held.
(3) The particular sections of the statutes and rules involved.
(4) An explicit statement in plain language of the issues involved and the facts alleged by the university in support thereof; provided that, if the university is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.
(5) The fact that any party may retain counsel if so desired.

(c) Opportunities shall be afforded all parties to present evidence and argument on all issues involved.

(d) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(e) For the purpose of decisions, the record shall include:

(1) All pleadings, motions, intermediate rulings.

(2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.

(3) Offers of proof and rulings thereon.

(4) Proposed findings and exceptions.

(5) Report of the officer who presided at the hearing.

(6) Staff memoranda submitted to members of the university in connection with their consideration of the case.

(f) It shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review.

(g) No matters outside the record shall be considered by the agency in making its decision except as provided in this chapter.

(h) Any contested cases provided for by rules established by the board shall, at a minimum, reflect the rules of procedure and evidence set forth in this subchapter. Any contested case hearing procedure required by federal or State law or regulation shall take precedence over the procedures established by this subchapter or by any rule established by the board.


§20-1-26 Rules of evidence; official notice. In contested cases: (a) Any oral or documentary evidence may be received but the hearing board or officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The hearing board or officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts if the original is not
readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The hearing board or officer may take notice of judicially recognizable facts. In addition, they may take notice of generally recognized technical or scientific facts within their specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Any documents filed in a contested case, other than evidence, shall conform to the requirements of section 20-1-7 of these rules. In addition, all such documents shall be written in ink, typewritten, mimeographed or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached.


§20-1-27 Examination of evidence. Whenever in a contested case the official who is to render the final decision has not heard and examined all of the evidence, the decision, if adverse to a party to the proceeding other than the university itself, shall not be made until a proposal for decision containing a statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the parties. An opportunity will be afforded to each party adversely affected to file exceptions and present argument to the official who is to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties.


§20-1-28 Decisions and orders. Every decision and order adverse to a party to the proceeding, rendered by the university in a contested case, shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings
§20-1-29 Consultation by officials. No official of the university who renders a decision in a contested case shall consult any person on any issue of fact except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law. [Eff. JUN 22 1981 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-13)
UNIVERSITY OF HAWAII

Amendments to Chapter 20-1
Hawaii Administrative Rules

(November 22, 1991)

SUMMARY

1. §20-1-14 is amended.
§20-1-14 Appearances in a Meeting. (a) Any person shall be afforded an opportunity to present oral testimony to the board or to its standing or select committees at the meetings on any agenda item.

(b) In order to ensure an orderly and efficient meeting, any person who wants to appear before the board or its standing or select committees to present testimony is requested to notify the secretary of the board at least twenty-four hours prior to the meeting of the board or its standing or select committee and, if possible, submit a written copy of the testimony to the secretary prior to the meeting.

(c) The chairperson of a meeting shall have the authority to limit or terminate any testimony which the chairperson determines to be repetitious or made solely for purposes of delay. Further, the chairperson of the meeting shall have authority to remove any person who wilfully disrupts the conduct of a meeting and to impose other reasonable conditions to ensure an orderly and efficient meeting. This rule shall not limit, however, the powers of the board or its chairperson under section 20-1-3(g).

(d) A person may be represented by or with counsel or other duly qualified representative before the board. The board may at any time require any person appearing before the board in a representative capacity to show his authority and qualification to act in such capacity.

[Eff 6/22/81; am and comp 8/13/88; am AUG 03 1992 ]


Historical note: §20-1-14 is based substantially upon Article IV. G. and H., Bylaws of the Board of Regents, University of Hawaii.
UNIVERSITY OF HAWAII


These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

H. Howard Stephenson
Chairperson
Board of Regents
University of Hawaii

APPROVED AS TO FORM:

Deputy Attorney General

JOHN WAIHEE
Governor
State of Hawaii

Date: JUL 22 1992

Filed
UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-1
Hawaii Administrative Rules
July 22, 1988

SUMMARY

1. §§20-1-2 to 20-1-4 are amended.
2. §20-1-6 is repealed.
3. §20-1-7 is amended.
4. §§20-1-9 to 20-1-11 are repealed.
5. §§20-1-12 to 20-1-15 are amended.
6. §20-1-16 is repealed.
7. §§20-1-17 and 20-1-18 are amended.
8. §§20-1-19 and 20-1-20 are repealed.
9. §§20-1-21 to 20-1-23 are amended.
10. §§20-1-24 to 20-1-29 are repealed.
11. Chapter 20-1 is compiled.
§20-2-1 General
§20-2-2 The categories of impermissible behavior
§20-2-3 Sanctions
§20-2-4 Mediation and hearing procedures

Historical Note: This chapter is based substantially upon "Statement on Rights and Responsibilities of the University of Hawaii Community" of the University of Hawaii board of regents' rules and regulations. [Eff. 7/3/71; R JUN 22 1981 ]

§20-2-1 General. The purpose of the university is to pursue the truth through teaching, learning, and research, all in an atmosphere of freedom of body and mind. In order to fulfill this purpose, the members of the academic community, jointly and with mutual responsibility, engage in these activities and assist in the maintenance of conditions conducive to them. Each member of the academic community contributes toward the fulfillment of the university's purpose in a way that best reflects the individual's talents and obligations. The individual members of the academic community may not, however, interfere with or disrupt the institution as determined by the academic community collectively. The right to freedom of conscience enjoyed by each member must not be infringed by others in the name of these rights.

The freedom essential to a university's purpose must be protected from those who would interfere with it. But there are so many different kinds of interference that it is impossible to enumerate them in detail. Therefore, any determination as to whether a given act constitutes interference must always be a matter of procedure and judgment. Nonetheless, it is possible to describe the categories of impermissible behavior in such a manner as to provide a standard by which behavior will be judged and to give fair notice to all members of the community of what is impermissible.

Much of such impermissible behavior is likely to be illegal under generally valid and applicable laws to
which the members of the academic community like other citizens are subject. But the reason for university rules of behavior and for university judicial procedures is the protection of the university's special purposes where these are not otherwise adequately protected or where they may be better protected by the university community itself. 


§20-2-2 The categories of impermissible behavior. 
The two categories of impermissible behavior, stated immediately below, apply equally to every member of the academic community. A member of the academic community is defined as any person who permanently or temporarily functions on the campus in pursuit of the university's purpose and includes the staff, faculty and students in all agencies and on all campuses of the University of Hawaii state-wide system.

(1) Category 1. A member of the academic community may not behave toward another member, even in the name of personal convictions or rights to academic freedom, in a manner denying or interfering with another member's expression of convictions, right to academic freedom or the performance of legitimate duties or functions.

(2) Category 2. Behavior intended directly or indirectly to interfere with or disrupt the processes of teaching, learning or research or those processes or conditions furthering or facilitating these activities is impermissible behavior. An interference or disruption exists when any of these processes can no longer take place in the planned, normal, or customary form given to them by those legitimately responsible for them, or when any of these conditions has essentially ceased to exist. Processes or conditions furthering or facilitating teaching, learning or research as used in the first sentence of this paragraph include the administration of the university.


§20-2-3 Sanctions. In addition to restitution where restitution is appropriate, the sanctions for a member for the academic community who has engaged in impermissible behavior shall range from reprimand and censure, through suspension for a definite period of time, to expulsion or dismissal. [Eff. JUN 22 1987 ]
§20-2-4 Mediation and hearing procedures. (a) Although the categories of impermissible behavior and the range of sanctions for it apply equally to all campuses or university centers, the mediation and hearing procedures for dealing with cases of impermissible behavior should express the special character and situation of each campus or university center. Each campus or university shall therefore design for adoption by the board of regents its own mediation and hearing procedures, with a provision enabling any member of the academic community to initiate a complaint. In these procedures, the right of due process shall be guaranteed.

(b) The mediation procedure shall deal fairly, expeditiously, and effectively with cases of impermissible behavior on the scene of their occurrence while they are occurring, to prevent their escalation and to terminate them before judicial notice must be taken.

(c) The hearing procedure shall determine speedily and fairly whether an alleged violation did occur and if so what the appropriate sanction shall be. The hearing procedure on each campus shall include the judgment by peers of those charged with violations, and provide the protections of due process as specified in chapter 91, HRS.

(d) Should any campus be without such a hearing procedure when a case of an alleged violation occurs, or should a campus hearing procedure not be activated in such a case within a thirty-day period, the president of the university may, after consultation with the appropriate faculty or student governing bodies, or both, activate a hearing and prescribe a hearing procedure, which procedure shall contain the safeguards contained in this chapter or use procedures existing prior to the adoption of this chapter.

§20-3-1 Equities
§20-3-2 Procedures and timing of action
§20-3-3 Inventions resulting from personal or private research
§20-3-4 Inventions resulting from research supported by State funds
§20-3-5 Inventions resulting from research supported by an outside agency
§20-3-6 Copyrights
§20-3-7 Financial agreements

Historical Note: This chapter is based substantially upon "University of Hawaii Patent & Copyright Policy" of the University of Hawaii board of regents' rules and regulations. [Eff. 11/22/68; R JUN 22 1981 ]

§20-3-1 Equities. The principle is hereby recognized that there are usually three interests involved in connection with research work and invention performed in the university by or under the direction of the research and teaching staffs of the university. These three interests are represented by the research worker or inventor; the university; and the general public whose taxes and gifts support the university. If the research is financed wholly or in part by an outside agency there exists an additional interest.

In general these interests are best served by immediate publication and dissemination of the results of the research. In some cases, however, the interests of all are best protected and furthered by patenting the discoveries and inventions resulting from the research. In still others, specific agreements with a federal or other agency sponsoring or funding the research prescribe certain procedures and inhibitions. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-3-2 Procedures and timing of action. (a) All persons employed by the university shall submit their ideas for patentable inventions through their immediate supervisor to a university patent and copyright committee. In submitting a patentable invention to a superior, the originator shall attach thereto a written
statement or justification stating whether the patentable invention was the result of personal or private research, or research supported by State funds, or research supported by an outside agency. Such statement shall be reviewed by the immediate supervisor, who shall attach thereto a written opinion stating:

(1) Whether the patentable invention was the result of personal or private research, or research supported by state funds, or research supported by an outside agency; and

(2) The reasons for his judgment.

Such statements by the supervisor, together with the statement of the inventor, shall be submitted within thirty days after receipt by the supervisor to the patent and copyright committee. The committee, within ninety days after such submission, shall notify the president, the person submitting the invention and the immediate supervisor of its decision as to whether such patentable invention was the result of personal or private research, or research supported by State funds, or research supported by an outside agency. The president may overrule, in writing, the decision of the patent and copyright committee. If the decision of the committee is not overruled within thirty days after submission to the president, the decision of the patent and copyright committee shall be binding on all parties, unless appealed.

(b) Within one hundred and fifty days after the submission of the invention by the inventor to the immediate supervisor, the university shall notify the inventor of its final decision on whether it deems the invention to be the result of personal or private research, or of research supported by State funds, or of research supported by outside agencies.

(c) The university shall relinquish all of its rights to the inventor in the following cases:

(1) If the invention is judged by the patent and copyright committee to be the result of personal or private research; or

(2) If the university decides not to secure a patent for an invention which is a result of personal or private research but has been submitted to the patent and copyright committee voluntarily by the inventor for possible development and patent under university auspices as hereafter noted.

(d) In all cases of waiver of rights, the university shall relinquish its rights to the inventor by written waiver signed by the president of the university or by a designated agent. If the final unappealed decision of the committee is that such invention was the result of personal or private research, such decision may be used by the inventor as
evidence in establishing the priority of the invention. Any person aggrieved by the decision of the patent and copyright committee, within thirty days after receipt of the ruling of the committee, may appeal to the president of the university. The decision by the president shall be final within the university administrative framework. [Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-3-3 Inventions resulting from personal or private research. The university shall have no vested interest in inventions clearly resulting from personal or private research and developed by an inventor on personal time, without cost or expense to the university. Such inventions may be voluntarily offered by the faculty member to the patent and copyright committee for the possible securing of a patent and for subsequent developing, processing and exploitation under university aegis. If such offer is accepted by the patent and copyright committee, the inventor shall assign his rights to the University of Hawaii research corporation and shall thereafter receive seventy-five per cent of the net profits if any (amount received by the corporation, less costs) derived from any exploitation of the patent. [Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-3-4 Inventions resulting from research supported by State funds. Inventions resulting from research wholly supported by State funds shall become the property of the University of Hawaii. Staff members shall assign their rights to the University of Hawaii research corporation and shall be entitled to receive fifty per cent of the net profits (amount received by the corporation, less costs) derived from any exploitation of the patent. [Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-3-5 Inventions resulting from research supported by an outside agency. Inventions resulting from research supported by an outside agency, either wholly or in part, shall be governed by the provisions of the agreement covering the work. In the absence of such provisions, the invention shall be regarded as deriving from the category of State or university supported research. [Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-3-6 Copyrights. This policy is designed to
cover copyright of books or other similar materials, and of materials in all forms copyrightable under the laws of the United States or international copyright agreements.

Except for works produced or written for hire, any publishable material produced by a member of the faculty or staff of the university shall be the exclusive literary property of the author. The author may obtain copyright or dedicate his work to the public as he chooses, subject to any restrictions imposed by sponsoring or funding agencies not under university control.

Works produced or written "for hire" are defined as manuscripts or materials produced by persons who are engaged by the university specifically to produce such manuscripts or works, or released from other work to produce such materials. The university shall be the sole proprietor of any work done "for hire," and may make such disposition of resultant manuscripts as it may choose. Borderline determinations should be documented, when desired, in accordance with the foregoing patent policy. Should any controversy concerning this policy arise, it will be referred to the patent and copyright committee of the university which will make a recommendation for action to the president.


§20-3-7 Financial agreements. The president, after consulting with the patent and copyright committee, may enter into such financial agreements as the president deems equitable whenever a staff member at personal expense desires to patent an invention or copyright written works which resulted from research supported by State funds or works produced or written "for hire" by the university, only in instances when the committee disclaims interest in patenting or copyrighting the work produced by the staff member.

$20-4-1 \textit{Statement of purpose}. The purpose of these rules and regulations is to define the term "residence" to provide a procedure whereby the determination of residence status shall be made for all prospective students; to provide appeal mechanisms for those students who feel that their residency classification is in error; and to provide sanctions for
§20-4-2 Definitions. As used in this chapter:
"Adult" means a person who has reached majority.
"Board" means the board of regents of the University of Hawaii.
"Dependent" means those persons who are defined as dependents by law, e.g., spouse, minor child, those who are defined as dependents under Internal Revenue Service rules, and those who are defined as dependents by the Armed Services of the United States.
"Director at Manoa" means the director of admissions of the university, at the Manoa campus, and shall include authorized subordinates.
"Employee" means and includes the full-time faculty, staff, and line members, and also graduate teaching and research assistants (though not full-time), employed at the university.
"Guardian" means a person invested by a court of law with the power, and charged with the duty, of taking care of the person and managing the property and other rights of a minor.
"Hanai" means a child taken permanently to be reared, educated and loved by someone other than natural parents - traditionally a grandparent or other relative. The child is given outright; natural parents renounce all claims to the child. Usually the child is given at infancy.
"Hearing officer" means a student or faculty member who has been duly appointed by the committee on resident status, who has no other interest in the case and who has had no part in or knowledge of the original determination of residency status.
"Majority" means the age specified under section 577-1, HRS. That age is presently eighteen years.
"Minor" means a person who has not reached majority.
"Parent" includes legal guardian and legal adoptive parent, except where the guardianship or adoption was acquired primarily to obtain resident status for the ward or adopted child. It shall also include a person who can legally claim an unmarried minor as a dependent for federal income tax purposes, but only when such person has been in loco parentis to the minor for the twelve-month period immediately preceding the residence determination date.
"President" means the president of the University of Hawaii and shall include authorized subordinates.
"Residence determination date" means the first day of official instruction at the particular college or campus involved.
"Student" means every full-time and part-time
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graduate and undergraduate student enrolled at the university. "University" means the several institutions and each of them that fall under the jurisdiction of the board.

The use of the masculine shall include the feminine and the singular shall include the plural where appropriate. [Eff. JUN 22 1991] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-4-3 Delegation of authority. The board hereby delegates its authority to administer the out-of-state tuition program at the university to the president. [Eff. JUN 22 1991] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-4-4 Twelve-month rule. (a) Status as a resident must be acquired, and not subsequently lost, at least twelve months prior to the residence determination date to avoid payment of the nonresident tuition differential. This twelve-month rule also applies to the person from whom residence is derived.

(b) While residence will be lost if it is interrupted during the twelve months immediately preceding the residence determination date, resident status derived from two or more successive sources may be tacked together to compute the twelve-month period. [Eff. JUN 22 1991] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-4-5 Statutory exemptions. The following categories and any others that may be added by the legislature are exempt from payment of the tuition differential. The exemptions may also be terminated by the legislature.

(1) Persons enrolled as full-time students during either the first or second semester of the 1968-69 academic year, but only so long as they continue to be full-time students at the university during both semesters of the 1969-70 and subsequent academic years. However, students so enrolled during the 1968-69 academic year but prevented from successive enrollment for good cause may be granted a waiver of the tuition differential in subsequent years. "Good cause" includes military service and prolonged illness of the student.

(2) Persons who are residents of a state or foreign country which permits Hawaii residents to pay the same tuition fees at its public institutions of higher learning as are paid by
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its-own residents.

3. United States military personnel and their
authorized dependents during the period such
personnel are stationed Hawaii on active duty.

4. Persons domiciled in a district, commonwealth,
territory, or insular jurisdiction, state, or
nation which provides no public institution of
higher learning.

5. Employees of the university and their spouses
and dependents.


§20-4-6—Residence—general definition. The
terms, "residence," used in these rules and regulations
is synonymous with the common-law term, "domicile."
"Residence" or "resident status" is a combination of
physical presence in a place and the intent to make such
place one's permanent home. [Eff. JUN 22 1981] (Auth:
HRS §304-4) (Imp: HRS §304-4)

§20-4-7—Indicia of residence. Because the
determination of residence in Hawaii requires a finding
of subjective fact (intent to make a permanent home) as
well as of objective fact (physical presence), the
following objective indicia of a person's intent will be
considered when considering residency status. No single
index is decisive. (a) Primary indicia:

1. Voter registration in Hawaii.

2. Voting in Hawaii.

3. Possession and use of Hawaii motor vehicle
license plates.

4. Payment of Hawaii personal income tax.

5. Presence of spouse, children, and other close
relatives in Hawaii.

(b) Secondary indicia:

1. Membership in voluntary organizations in
Hawaii.

2. Licensing from the State for professional
practice.

3. Carrying on of a business or the holding of a
position in Hawaii.

4. Ownership of residential property or
continuous letting of an apartment on a lease
basis in Hawaii.


§20-4-8—Rules of construction. The following
rules of construction shall be applied in all cases.

1. Residence in Hawaii and residence in another
place cannot be held simultaneously.
(2) Presence in Hawaii primarily to attend an institution of higher learning does not create resident status.

(3) A nonresident student shall be presumed to be in Hawaii primarily to attend an institution of higher learning. Continued presence in Hawaii during vacation periods and occasional periods of interruption of the course of study does not of itself overcome this presumption.

(4) Resident status, once acquired, will be lost by future voluntary actions of the resident inconsistent with such status. However, Hawaii residence will not be lost solely because of absence from the State while employed in the service of the United States, while engaged in navigation, or while a student at any institution of learning.


§20-4-9 Particular categories. (a) Adults. The resident status of every adult shall be established by his own acts and intentions and shall not be derived from any other person, except as specifically provided otherwise in these rules.

(b) Minors.

(1) Unemancipated minor. The residence of an unemancipated minor is the residence of the father, if living, or the residence of the mother, if the father is deceased.

(2) Divorced parents. If the parents of an unemancipated minor are divorced, the minor's residence is that of the person to whom custody has been awarded by the court. If no award of custody has been made, the minor's residence is that of the father. However, if the minor maintains a primary abode with the parent not having legal custody, residence of the minor is determined by that parent with whom the minor's primary abode is maintained.

(3) Separated parents. If the parents of an unemancipated minor are separated, without a divorce having been granted or custody awarded having been made, the minor's residence is that of the father if the minor is not living with either parent. If the minor maintains a primary abode with a parent, the minor's residence is the residence of that parent.

(4) Death of a parent who had custody. The residence of an unemancipated minor becomes that of the surviving parent upon the death of the parent who had custody of the minor.

(5) Both parents deceased. If both parents are
deceased, the residence of the unemancipated minor remains that of the last parent to die until changed by court order. Upon court appointment of a guardian for the minor, the residence of the minor becomes that of the guardian.

(6) A nonresident unemancipated minor attending an institution of higher learning outside of Hawaii or on active duty with the United States armed forces, whose parents become residents of Hawaii and who reaches majority before he would derive Hawaiian residence from the parents' new status, may be classified as a resident for tuition purposes when the parents have completed twelve consecutive months of residence; provided that such classification will be lost if actions inconsistent with resident status are taken after leaving such institution or discharge from the military (e.g., failure to promptly make a home in Hawaii).

(7) If an unemancipated minor's parents lose their Hawaii residence, the minor will be classified as a nonresident at the next residence determination date. However, if the parents' change of residence is due to obedience to active-duty military orders, the minor student shall continue to pay only resident tuition so long as the minor continuously attends the university full time.

(8) Emancipated minors. An emancipated minor shall be considered an adult for purposes of residence under this chapter. The following shall constitute indicia of emancipation, none of which is controlling:

(A) Financially independent or self supporting.

(B) Subsistence not provided by parents or legal guardian.

(C) Prior military service.

(D) Other primary and secondary indicia of residence enumerated under section 20-4-7.

(E) Any other conduct inconsistent with parental control and custody.

(9) Hanai. The committee may allow a student to base his residency on that of someone other than the parent or legal guardian, provided that the relationship between the student and the person or persons other than the parent or legal guardian is that of hanai.

(c) Aliens. In addition to other requirements herein, an alien shall be classified as a resident only upon admission to the United States for permanent
residence (immigration visa). Residence of a minor alien can only be derived from another person (e.g., a parent) when both that person and the minor achieve resident status.

The above requirement of permanent residence shall not be applied to persons present in the United States by special act of Congress following the violent overthrow of their country of origin.

(d) Military. Service in the armed forces of the United States shall not of itself negate establishment of residence in Hawaii. For instance, a nonresident serviceman whose last duty station is in Hawaii and who does all other things necessary to establish bona fide Hawaiian domicile, including discharge from the military in Hawaii, may be classified as a resident. In addition, a person who establishes a Hawaiian domicile but who enters the military service prior to the expiration of twelve months from the date of such establishment may tack the period of his military service onto the former period to satisfy the twelve-month rule.

(e) Married persons. A married person may establish resident status, either on the basis of personal indicia of residence, or on the basis of the indicia of the person's spouse. However, the married person must clearly state an intent to make Hawaii a permanent residence. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

Subchapter 2 Procedure

§20-4-10 Determination of residence. The registrar or director of admissions at each campus shall determine the resident or nonresident status of every student matriculating at such campus. The director at Manoa shall prepare a questionnaire designed to elicit facts upon which to make such determination and shall transmit a copy of the questionnaire to each prospective student. The prospective student shall answer all pertinent questions and shall attest to the truth of such answers by signing the questionnaire. The registrar, director of admissions, or director at Manoa, as the case may be, may also require the production by the prospective student of certified copies of documents relevant to the determination of resident status. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-4-11 Notification of change of residence. A resident student who subsequently takes up residence outside of Hawaii and who continues to attend the
§20-4-11

university shall promptly advise the registrar, director of admissions, or director at Manoa, as the case may be, of the change of residence. In such a case, the nonresident tuition differential will be payable commencing from the residence determination date following such change of residence. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-4-12 Committee on resident status.

(a) The committee on resident status shall be composed of three members to be appointed by the president as follows:

(1) One undergraduate student and one graduate student for a one-year term and one faculty member for a two-year term.

(2) The appointment shall be made in May of each year and shall be effective the following July 1. If a vacancy occurs, the appointment shall be effective immediately.

The president shall appoint a member of the university administration who shall be non-voting and who shall serve as convenor of the committee. The appointee shall perform such administrative functions as may be necessary to implement the decisions of the committee.

(b) The incoming committee shall select its own chairman at an organizational meeting to be held prior to July 1 each year (initial organization shall take place as soon as possible after appointment of the first committee members). The members shall receive no remuneration for their services but shall be reimbursed their ordinary and necessary expenses.

(c) The attorney general will advise the committee on questions of law and procedure.

(d) Hearings on appeals of only those students who are enrolled in a campus of the university system (see section 20-4-14) shall be heard by one of the following:

(1) The committee on resident status, or

(2) In lieu of a hearing before the committee, the committee may appoint a hearing officer who shall hear the case in the same manner as if it were before the committee.

(e) Appeals of only those prospective students who are denied admission solely on the basis of their residency classification (see section 20-4-15) shall be heard by a hearing officer appointed by the committee on resident status. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-4-13 Appeals. There shall be two classes of residency appeals. These shall be:

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§20-4-14

(1) Appeals of only those students who are enrolled in a campus of the university system (see section 20-4-14) and,

(2) Appeals of only those prospective students who are denied admission solely on the basis of their residency classification (see section 20-4-15).


§20-4-14 Appeals of those students who are currently enrolled in university system campus. (a) Classification as a nonresident by a registrar, director of admissions, or the director at Manoa may be appealed by the aggrieved student to the committee on resident status.

(b) Notification of appeal must be made in writing upon the form supplied by the committee and available at the director's office at Manoa and at the office of the registrar or director of admissions on each of the other major campuses. Notification of appeal must be received by the committee at the Manoa campus on or before the thirtieth day following the mailing (or personal delivery, as the case may be) of written notification of nonresident determination or on or before ten days after the residence determination date, whichever is later.

(c) Appeals shall be heard only after payment of the resident tuition. Appeal hearings must be held within three weeks of the request for an appeal unless continued by the appeals board. If an appeal hearing is not held within such time, except for good cause shown, the appeal shall be dismissed. The student shall then be required to pay the difference between resident and nonresident tuition within ten working days of the dismissal of the appeal or face disenrollment at the end of such period.

If the appeals board determines that the appellant is not a resident, then the appellant shall be required to pay the difference between resident and nonresident tuition. The student shall be notified by registered letter of any determination and the requirement of any additional payment due the university. Payment of the difference in tuition must be made within ten working days of the mailing of the notice or before the last day of instruction for the semester in which the appellant is enrolled, whichever is sooner. Should the appellant not pay the difference in tuition, and upon expiration of the period for payment, the appellant shall be removed from the official enrollment list of the university and be refunded the full tuition paid to date, less a reasonable service charge as prescribed by the president. Further, no official academic record for the appellant shall be maintained by the office of the
§20-4-14

registrar for the semester in which the appellant is disenrolled.

(d) The committee or hearing officer shall promptly notify the appellant of the time, date, and place of hearing upon the appeal. The hearing shall be held between seven and twenty days after notification by the committee, but the committee may extend this period a reasonable length of time if its hearing calendar so requires.

(e) The hearing shall be private unless the appellant requests a public hearing in the notice of appeal.

(f) The appellant may be represented by legal counsel if so desired.

(g) The rules of strict legal evidence need not be followed in an appellate hearing. The committee or hearing officer may require that the appellant provide it with certified copies of pertinent documents. The committee may call the director at Manoa, registrar, or staff members to explain the basis of the determination of appellant's nonresidence. A record of the oral testimony adduced at the hearing need not be kept.

(h) The committee or hearing officer shall issue its findings of fact, conclusions of law, and decision within thirty days after the hearing and a copy shall be transmitted to the appellant, to the director at Manoa and to the provost or chancellor of the campus concerned. The decision of the committee or the hearing officer, as the case may be, shall be final.


§20-4-15 Appeal of a prospective student who is denied admission solely on a nonresident classification. Any student who is otherwise qualified for admission but who is denied admission because the nonresident capacity has been exhausted may appeal to the committee on resident status for a hearing by a hearing officer if the residency officer of the campus to which the student has applied for admission finds:

(1) There was resident capacity on the date the application for admission was received by the admission officer.

(2) The student was physically present within the state and declared the intent to make Hawaii a permanent home on the date that the application for admission was received by the university.

(3) The student has made a prima facie showing that one or more of the indicia of residence enumerated in section 20-4-7 are met.

(4) The admissions officer concurs that the student would be otherwise admissible if the

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Hearing. (a) Notification of request for hearing must be made in writing upon the form supplied by the committee on resident status and available at the residency office and at the office of the registrar or director of admissions on each of the University of Hawaii campuses. The student will complete those sections which are indicated and present the request to the residency officer. The residency officer will then complete those sections which indicate the indicia of residence met by the student and those where a reasonable doubt exists. The residency officer will forward the form to the campus registrar, director of admissions or director at Manoa, as appropriate, who will complete the section which requires a statement that the student is admissible if found to have resident status. The form shall be forwarded to the committee on resident status in accordance with the following deadlines:

(1) The student shall file a notification of request for hearing with the residency officer at least thirty days prior to the first day of instruction.

(2) The residency officer shall forward the notification of request with the appropriate section completed to the campus registrar, director of admissions, or director at Manoa, as appropriate, at least twenty-six days prior to the first day of instruction. The residency officer shall attach all pertinent documents or copies of same.

(3) The campus registrar, director of admissions, or director at Manoa, as appropriate, after completing the appropriate section, shall forward the form to the committee on resident status at least twenty-two days prior to the first day of instruction.

(b) The committee on resident status shall promptly appoint a hearing officer and set the time and place of the hearing and so notify the appellant. The hearing shall be held between five to ten days after receipt by the committee of the notification of request for hearing.

The following procedures shall apply:

(1) The appellant shall have the right to:

(A) Be present at the hearing;

(B) Be represented by legal counsel if so desired;

(C) Question witnesses testifying or presenting evidence at the hearing.
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(2) The hearing shall be private unless the appellant requests a public hearing in the notice of appeal.

(3) Rules of strict legal evidence need not be followed. The hearing officer may require that the appellant provide certified copies of additional pertinent documents. The hearing officer may call the residency officer or a staff member to explain the basis of the determination of appellant's nonresident status. A verbatim record of the oral testimony need not be kept but a summary of the presented testimony shall be made a part of the findings of fact and decision.

(4) The hearing officer shall issue the findings of fact and decision within four days after the hearing and a copy shall be transmitted to the appellant and to the president of the University of Hawaii. The hearing officer's decision shall be final.

(5) The committee on resident status shall review annually all decisions by the hearing officer for guidance in considering changes in rules and regulations and their administration.

(c) Reversal of nonresidency status. In the event the hearing officer reverses the prior determination of nonresidency for admission purposes, the University of Hawaii campus involved shall immediately admit the student and guarantee to him those curricula or classes which would be guaranteed to any resident admitted at that time.

(d) A finding by the hearing officer that a student shall be admitted under the resident student capacity does not automatically entitle the student to resident status for tuition purposes. Sections 20-4-4, 20-4-6 and 20-4-7 determine residency for tuition purposes. [Eff. JUL 22 1967 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-4-17 Misrepresentation. A student or prospective student who intentionally or wilfully misrepresents any fact upon any form or document intended for use in the determination of resident status for tuition or admissions purposes, or who intentionally or wilfully misrepresents any fact at an appellate hearing hereunder, and who is admitted to the university on the basis of such misrepresentation, will be subject to the regular disciplinary measures of the University of Hawaii. [Eff. JUL 22 1967 ] (Auth: HRS §304-4) (Imp: HRS §304-4)
UNIVERSITY OF HAWAII

Amendments to Chapter 20-4, Hawaii Administrative Rules

(11/20/87)

SUMMARY

1. §§20-4-2 and 20-4-5 are amended.
§20-4-2 Definitions. As used in this chapter:

"Adult" means a person who has reached majority.

"Board" means the board of regents of the University of Hawaii.

"Dependent" means those persons who are defined as dependents by law, e.g., spouse, minor child, those who are defined as dependents under Internal Revenue Service rules, and those who are defined as dependents by the Armed Forces of the United States.

"Employee" means and includes the full-time faculty, staff, and line members, and also graduate teaching and research assistants (though not full-time), employed at the University.

"Guardian" means a person invested by a court of law with the power, and charged with the duty, of taking care of the person and managing the property and other rights of a minor.

"Hanai" means a child taken permanently to be reared, educated and loved by someone other than natural parents—traditionally a grandparent or other relative. The child is given outright; natural parents renounce all claims to the child. Usually the child is given at infancy.

"Hearing Officer" means a student or faculty member who has been duly appointed by the committee on resident status, who has no other interest in the case and who has had no part in or knowledge of the original determination of residency status.

"Majority" means the age specified under section 577-1 HRS. That age is presently eighteen years.

"Minor" means a person who has not reached majority.

"Parents" includes legal guardian and legal adoptive parent, except where the guardianship or adoption was acquired primarily to obtain resident status for the ward or adopted child. It shall also include a person who can legally claim an unmarried minor as a dependent for federal income tax purposes, but only when such person has been in loco parentis to the minor for the twelve-month period immediately preceding the residency determination date.

"President" means the president of the University of Hawaii and shall include authorized subordinates.

"Residency determination date" means the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus involved.

"Residency officer" means the registrar, director of admissions or other staff member designated by each campus to determine the residency status of students.

"Student" means every full-time and part-time graduate and undergraduate student enrolled at the university.

"University" means the several institutions and each of them that fall under the jurisdiction of the board.

The use of the masculine shall include the feminine and the
§20-4-5 Statutory exemptions. The following categories and any others that may be added by the legislature are exempt from payment of the tuition differential. The exemptions may also be terminated by the legislature.

1. United States military personnel and their authorized dependents during the period they are stationed in Hawaii on active duty.

2. Persons domiciled in any Pacific island or Asian district, commonwealth, territory, or insular jurisdiction, state, or nation which provides no public institution of higher learning.

3. Employees of the university and their spouses and dependents.

4. East-West Center student grantees pursuing baccalaureate or advanced degrees. [Eff. 6/22/81; am 3/12/84; am APR 04 1988] (Auth: HRS §304-4) (Imp: HRS §304-4)
UNIVERSITY OF HAWAII

Amendments to Chapter 20-4, Administrative Rules, on the Summary page dated November 20, 1987, were adopted on November 20, 1987, following public hearings held on November 9, 10, 12, and 13, 1987, after public notices were given in the Honolulu Star-Bulletin and The Garden Island on October 19, 1987, and in the Hawaii Tribune-Herald and the Maui News on October 20, 1987.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Gladys A. Brandt
Chairman, Board of Regents
University of Hawaii

APPROVED AS TO FORM:

H. Yoshida Lewis
Deputy Attorney General

John D. Waihee
Governor
State of Hawaii
Date: MAR 24 1988

Filed
Rules Amending Title 20, Chapter 4, Administrative Rules
(November 18, 1983)

SUMMARY

1. §§20-4-2, 20-4-5, 20-4-6, 20-4-7, 20-4-8, 20-4-9, 20-4-10, 20-4-11, 20-4-14, 20-4-15, and 20-4-17 are amended.

2. §§20-4-4 and 20-4-16 are repealed.
§20-4-2 Definitions. As used in this chapter:

"Adult" means a person who has reached majority.
"Board" means the board of regents of the University of Hawaii.
"Dependent" means those persons who are defined as dependents by law, e.g., spouse, minor child, those who are defined as dependents under Internal Revenue Service rules, and those who are defined as dependents by the Armed Forces of the United States.
"Employee" means and includes the full-time faculty, staff, and line members, and also graduate teaching and research assistants (though not full-time), employed at the university.
"Guardian" means a person invested by a court of law with the power, and charged with the duty, of taking care of the person and managing the property and other rights of a minor.
"Hanai" means a child taken permanently to be reared, educated and loved by someone other than natural parents — traditionally a grandparent or other relative. The child is given outright; natural parents renounce all claims to the child. Usually the child is given at infancy.
"Hearing Officer" means a student or faculty member who has been duly appointed by the committee on resident status, who has no other interest in the case and who has had no part in or knowledge of the original determination of residency status.
"Majority" means the age specified under section 577-1 HRS. That age is presently eighteen years.
"Minor" means a person who has not reached majority.
"Parent" includes legal guardian and legal adoptive parent, except where the guardianship or adoption was acquired primarily to obtain resident status for the ward or adopted child. It shall also include a person who can legally claim an unmarried minor as a dependent for federal income tax purposes, but only when such person has been in loco parentis to the minor for the twelve-month period immediately preceding the residence determination date.
"President" means the president of the University of Hawaii and shall include authorized subordinates.
§20-4-4

§20-4-4 REPEALED. [Eff. 6/22/81; R
MAR 12 1984]
§20-4-5 Statutory exemptions. The following categories and any others that may be added by the legislature are exempt from payment of the tuition differential. The exemptions may also be terminated by the legislature.

(1) Persons enrolled as full-time students during either the first or second semester or the 1968-69 academic year, but only so long as they continue to be full-time students at the university during both semesters of the 1969-70 and subsequent academic years. However, students so enrolled during the 1968-69 academic year but prevented from successive enrollment for good cause may be granted a waiver of the tuition differential in subsequent years. "Good cause" includes military service and prolonged illness of the student.

(2) United States military personnel and their authorized dependents during the period they are stationed in Hawaii on active duty.

(3) Persons domiciled in a district, commonwealth, territory, or insular jurisdiction, state, or nation which provides no public institution of higher learning.

(4) Employees of the university and their spouses and dependents. [Eff. 6/22/81; am MAR 12 1984] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-6 Residence criteria. To qualify for the resident tuition fee, the following criteria shall be met:

(1) The adult student, or in the case of a minor student, the student's parents or guardians, has been a bona fide resident of this state for at least twelve consecutive months next preceding his residence determination date; and

(2) The adult or minor student has not been claimed as a dependent for tax purposes for at least twelve months next preceding the residency determination date by his parents or guardians who are not legal residents of the State. [Eff. 6/22/81; am Mar 12 1984 ] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-7  **Indicia of residence.** Because the determination of residence in Hawaii requires a finding of subjective fact (intent to make a permanent home) as well as of objective fact (physical presence), the following objective indicia of a person's intent shall be considered when considering the student's status. No single index shall be decisive. (1) **Primary indicia:**

(A) Voting, or voter registration, or both, in Hawaii.

(B) Filing of Hawaii resident personal income tax form.

(2) **Secondary indicia:**

(A) Ownership of residential property or continuous rental of a dwelling on a lease basis in Hawaii.

(B) Carrying on of a business or the holding of an employment position in Hawaii.

(C) Presence of spouse, children, and other close relatives in Hawaii.  [Eff. 6/22/81; am Mar 12 1994] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-8 Rules of construction. The following rules or construction shall be applied in all cases:

(1) The twelve months begin on the date upon which the first overt action (see indicia in section 20-4-7) is taken to make Hawaii the permanent residence. While residence shall be lost if it is interrupted during the twelve months immediately preceding the residence determination date, resident status derived from two or more successive sources may be tacked together to compute the twelve month period.

(2) Residence in Hawaii and residence in another place cannot be held simultaneously.

(3) Presence in Hawaii primarily to attend an institution of higher learning shall not create resident status.

(4) A nonresident student shall be presumed to be in Hawaii primarily to attend an institution of higher learning. Continued presence in Hawaii during vacation periods and occasional periods of interruption of the course of study does not itself overcome this presumption.

(5) Resident status, once acquired, shall be lost by future voluntary actions of the resident inconsistent with that status. However, Hawaii residence shall not be lost solely because of the absence from the State while serving in the United States armed forces, while engaged in navigation, or while a student at any institution of learning. [Eff. 6/22/81; am MAR 12 1984 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

Historical Note: Section 20-4-8(1) is substantially based on section 20-4-4. [Eff. 6/22/81; R MAR 12 1984 ] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-9  **Particular categories.** (a) The resident status of every adult shall be established by the person's own acts and intentions and shall not be derived from any other person, except as specifically provided otherwise in this chapter.

(b) The residence of an unemancipated minor shall be the residence of the parent who claims the minor as a dependent for tax purposes, regardless of the minor's primary abode. If both parents are deceased, the residence of the unemancipated minor remains that of the last parent to die until changed by court order. Upon court appointment of a guardian for the minor, the residence of the minor shall become that of the guardian.

(c) A nonresident unemancipated minor attending an institution of higher learning outside of Hawaii or on active duty with the United States armed forces, whose parents become residents of Hawaii and who reaches majority before the minor would derive residency in Hawaii from the parents' new status, may be classified as a resident for tuition purposes when the parents have completed twelve consecutive months of residence; provided that the classification shall be lost if actions inconsistent with resident status are taken after leaving the institution or discharge from the military (e.g., failure to promptly make a home in Hawaii).

(d) If an unemancipated minor's parents lose their Hawaii residence, the minor shall be classified as a nonresident at the next residence determination date; provided if the parents' change of residence is due to obedience to active-duty military orders, the minor student shall continue to pay resident tuition as long as the minor continuously attends the University full time.

(e) An emancipated minor shall be considered an adult for purposes of residence under this section. The following shall constitute indicia of emancipation, no one of which shall be controlling:

1. Financially independent or self supporting.
2. Subsistence not provided by parents or legal guardian.
3. Prior military service.
4. Other primary and secondary indicia of residence enumerated under section 20-4-7.
5. Any other conduct inconsistent with parental control and custody.
(f) The committee may allow a student to base residency on that of someone other than the parent or legal guardian, provided the relationship between the student and the person or persons other than the parent or legal guardian is that of hanai.

(g) In addition to other requirements in this section, an alien shall be classified as a resident only upon admission to the United States for permanent residence (immigration visa). Residence of a minor alien shall only be derived from another person (e.g., a parent) when both that person and the minor achieve resident status.

The requirement of permanent residence shall not be applied to persons present in the United States by special act of Congress following the violent overthrow of their country of origin, or to employees (and their immediate families) of international treaty organizations.

(h) Service in the armed forces of the United States shall not of itself negate establishment of residence in Hawaii. For instance, a nonresident serviceman whose last duty station is in Hawaii and who does all other things necessary to establish bona fide domicile in Hawaii, including discharge from the military in Hawaii, may be classified as a resident. In addition, a person who establishes domicile in Hawaii but who enters the military service prior to the expiration of the twelve months from the date of establishment may tack the period of military service onto the former period to satisfy the twelve-month criteria.

(i) A married person may establish resident status, either on the basis of personal indicia of residence, or on the basis of the indicia of the person's spouse; provided the married person shall state clearly an intent to make Hawaii a permanent residence. [Eff. 6/22/81; am Mar 12, 1994] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-10 Determination of residence. (a) The residency officer at each campus shall determine the resident or nonresident status of every student matriculating at that campus. A questionnaire shall be prepared to elicit facts upon which to make the residency determination and the questionnaire shall be transmitted to each prospective student. The prospective student shall answer all pertinent questions and shall attest to the truth of all answers by signing the questionnaire. The residency officer may also require the production by the prospective student of certified copies of documents relevant to the determination of resident status.

(b) A nonresident student, once enrolled and having resided in Hawaii for at least twelve months, may request a change of status from nonresident to resident by completing the residency questionnaire and attaching certified copies of the student's parents', or guardians' personal income tax form. The residency officer may also require the production by the student of certified copies of other documents relevant to the determination of resident status consistent with section 20-4-6.

[Eff. 6/22/81; am MAR 12 1984 ] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-11 Notification of change of residence.
A resident student who subsequently takes up residence outside of Hawaii and who continues to attend the university shall promptly advise the residency officer of the change of residence. In such a case, the nonresident tuition differential shall be payable commencing from the residence determination date following the change of residence. [Eff. 6/22/81; am Mar 12 1994] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-14 Appeals of those students who are currently enrolled in a university system campus.

(a) Classification as a nonresident by a residency officer may be appealed by the aggrieved student to the committee on resident status.

(b) Notification of appeal shall be made in writing upon the form supplied by the committee and available at the admissions office on each campus. Notification of appeal shall be received by the committee on resident status on or before the thirtieth day following the mailing (or personal delivery, as the case may be) of written notification of nonresident determination or on or before ten days after the residence determination date, whichever is later.

(c) Appeals shall be heard only after payment of the resident tuition. Appeal hearings shall be held within three weeks of the request for an appeal unless continued by the appeals committee. If the appellant fails to appear at the scheduled hearing, except for good cause shown, the appeal shall be dismissed. The student shall then be required to pay the difference between resident and nonresident tuition within ten working days of the dismissal of the appeal or face disenrollment at the end of the ten-day period.

If the appeals committee determines that the appellant is not a resident, then the appellant shall be required to pay the difference between the resident and nonresident tuition. The student shall be notified by registered letter of any determination and the requirement of any additional payment due the university. Payment or the difference in tuition shall be made within ten working days of the mailing of the notice or before the last day of instruction for the semester in which the appellant is enrolled, whichever is sooner. Should the appellant not pay the difference in tuition, and upon expiration of the period for payment, the appellant shall be removed from the official enrollment list of the university and be refunded the full tuition paid to date, less a reasonable service charge as prescribed by the president. Further, no official academic record for the appellant shall be maintained by the office of the registrar for the semester in which the appellant is disenrolled.
(d) The committee or hearing officer shall promptly notify the appellant of the time, date, and place of the hearing upon the appeal. The hearing shall be held between seven and twenty days after notification by the committee, but the committee may extend this period a reasonable length of time if its hearing calendar so requires.

(e) The hearing shall be private unless the appellant requests a public hearing in the notice of appeal.

(f) The appellant may be represented by legal counsel if so desired.

(g) Formal rules of evidence need not be followed in an appellate hearing. The committee or hearing officer may require that the appellant provide it with certified copies of pertinent documents. The committee may call the residency officer to explain the basis of the determination of appellant’s nonresidence. A record of the oral testimony adduced at the hearing need not be kept.

(h) The committee or hearing officer shall issue its findings of fact, conclusions of law, and decision within thirty days after the hearing and a copy shall be transmitted to the appellant, to the president, and to the provost or chancellor of the campus concerned. The decision of the committee or the hearing officer, as the case may be, shall be final. [Eff. 6/22/81; am MAR 12, 1984] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-15 Appeal of a prospective student who is denied admission solely on a nonresident classification. (a) Any student who is otherwise qualified for admission but who is denied admission because the nonresident capacity has been exhausted may appeal to the committee on resident status for a hearing by a hearing officer if the residency officer of the campus to which the student has applied for admission finds:

1. There was resident capacity on the date the application for admission was received by the admissions officer.

2. The student declared the intent to make Hawaii a permanent home and would have been physically present within the state for twelve consecutive months on the residency determination date.

3. The student has made a prima facie showing that one or more of the indicia of residence enumerated in section 20-4-7 are met.

4. The student has made a prima facie showing that the student has not been claimed as a dependent for tax purposes for at least twelve months prior to the residency determination date by the student's parents or guardians who are not legal residents of the State.

5. The admissions officer concurs that the student would be otherwise admissible if the student had resident status.

(b) Notification of request for hearing shall be made in writing upon the form supplied by the committee on resident status and available at the residency office and at the office of admissions on each of the University of Hawaii campuses. The student shall complete those sections which are indicated and present the request to the residency officer. The residency officer shall then complete those sections which indicate the criteria or indicia, or both, of residence met by the student and those where a reasonable doubt exists. The residency officer will forward the form to the campus registrar or director of admissions, who shall complete the section which requires a statement that the student is admissible if found to have resident status. The form shall be forwarded to the committee on resident status in accordance with the following deadlines:
The student shall file a notification of request for hearing with the residency officer at least thirty days prior to the first day of instruction.

The residency officer shall forward the notification of request with the appropriate section completed to the campus registrar or director of admissions, at least twenty-six days prior to the first day of instruction. The residency officer shall attach all pertinent documents or copies of same.

The campus registrar or director of admissions, after completing the appropriate section, shall forward the form to the committee on resident status at least twenty-two days prior to the first day of instruction.

The committee on resident status shall promptly appoint a hearing officer and set the time and place of the hearing and so notify the appellant. The hearing shall be held between five to ten days after receipt by the committee of the notification of request for hearing.

The following procedures shall apply:

(1) The appellant shall have the right to:
(A) Be present at the hearing;
(B) Be represented by legal counsel if so desired; and
(C) Question witnesses testifying or presenting evidence at the hearing.

(2) The hearing shall be private unless the appellant requests a public hearing in the notice of appeal.

(3) Formal rules of evidence need not be followed. The hearing officer may require that the appellant provide certified copies of additional pertinent documents. The hearing officer may call the residency officer or a staff member to explain the basis of the determination of appellant's nonresident status. A verbatim record of the oral testimony need not be kept but a summary of the presented testimony shall be made a part of the findings of fact and decision.
(4) The hearing officer shall issue the findings of fact and decision within four days after the hearing and a copy shall be transmitted to the appellant, the president, and the provost or chancellor of the campus concerned. The hearing officer's decision shall be final.

(5) The committee on resident status shall review annually all decisions by the hearing officer for guidance in considering changes in rules and their administration.

(d) In the event the hearing officer reverses the prior determination of nonresidency for admission purposes, the University of Hawaii campus involved shall immediately admit the student and guarantee those curricula or classes which would be guaranteed to any resident admitted at that time. [Eff. 6/22/81; am MAR 12 1984 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

Historical Note: Section 20-4-15(b) is based substantially upon §20-4-16, Administrative Rules. [Eff. 6/22/81; R MAR 12 1984 ] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-4-16 REPEALED. [Eff. 6/22/81; R Mar 12 1984]
§20-4-17 Providing incorrect information. A student or prospective student who provides incorrect information upon any form or document intended for use in the determination of residency status for tuition or admission purposes, or relative to any appeal hearing thereof, and who is admitted to the university on the basis of the incorrect information shall be subject to the following:

(1) The student shall be required to pay the difference between the resident and nonresident tuition retroactive to the student's initial residency determination date. The student shall be notified by registered letter or any discovery of incorrect information and the requirement of any additional payment due the university. Payment of the difference in tuition shall be made within ten days of the mailing of the notice or before the last day of instruction for the semester in which the student is enrolled, whichever is sooner. Should the student not pay the difference in tuition, and upon the expiration of the period for payment, the student shall be removed from the official enrollment list of the university and be refunded the full tuition paid for the current semester less a prorata amount due the university to cover the cost of all instruction provided, as shall be prescribed by the president. The denial or further enrollment and the withdrawal of service connected with the evidences of instruction such as transcripts or diplomas shall be imposed in accordance with section 20-10-2, Administrative Rules.

(2) Any student or prospective student who intentionally or willfully misrepresents any fact relative to the determination of residency or any appeal thereof, and who is admitted to the university on the basis of the misrepresentation, in addition to the requirements prescribed in this section, may also be charged with a violation of the campus conduct code, penalties under which may include warning, probation, suspension, or expulsion. [Eff. 6/22/81; am MAR 12 1964 ] (Auth: HRS §304-4) (Imp: HRS §304-4)
Amendments to Chapter 4 of Title 20, Administrative Rules, on the Summary Page dated November 18, 1983, were adopted on November 18, 1983, following public hearings held on November 1, 1983 (Hawaii) and November 4, 1983 (Oahu), after public notices were given in the Honolulu Star-Bulletin, The Garden Island, and the Maui News on October 12, 1983, and the Hawaii Tribune-Herald on October 14, 1983.

These amendments to Chapter 4 of Title 20 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Stanley Y. Mukai  
Chairman, Board of Regents  
University of Hawaii  

Date: November 28, 1983

APPROVED AS TO FORM:

Deputy Attorney General

George R. Ariyoshi  
Governor  
State of Hawaii  

Date: March 1, 1984
§20-5-1 Maximum full-time tuition schedules for all campuses
§20-5-2 Maximum summer session rates
§20-5-3 Maximum rates for College of continuing education and community service at the University of Hawaii at Manoa
§20-5-4 Maximum rates for College of continuing education and community service at the University of Hawaii at Hilo
§20-5-5 Selected master of business administration degree programs
§20-5-6 Outreach non-credit programs and offerings
§20-5-7 Apprentice and journey worker instruction at the University of Hawaii community colleges

§20-5-1 Maximum full-time tuition schedules for all campuses. (a) University of Hawaii tuition shall be set in accordance with applicable state statutes and the following policy considerations:

(1) Accessibility and the mix of students;
(2) Financial aid availability;
(3) The cost of education and the sharing of that cost between students and the general public;
(4) Differential tuition rates that:
   (A) Reflect the different missions of the major university units;
   (B) Acknowledge differing costs of instruction by student level (undergraduate, graduate, law, medicine); and
   (C) Distinguish between residents and nonresidents in conformance with state law; and

(5) Comparison of tuition charges with other comparable campuses of higher education.
§20-5-1

(b) The maximum full-time tuition schedule per semester for all campuses under the jurisdiction of the board of regents of the University of Hawaii shall be as set out in the exhibit entitled "Maximum Full-Time Tuition Schedule Per Semester, All Campuses" dated 10/20/95, which is made a part of this section and located at the end of this chapter. Students who register and pay tuition prior to determination of final tuition schedules shall be refunded any excess tuition paid.

(c) The executive officer may formulate an equitable tuition schedule for part-time students. That schedule shall be formulated on a per-credit-hour basis that is generally consistent with the full-time tuition schedule.

(d) The board of regents may decrease the rates reflected in the "Maximum Full-Time Tuition Schedule Per Semester," dated 10/20/95, provided that such adjustments are made at duly scheduled public meetings of the board of regents of the University of Hawaii and that the administration conducts informational sessions on the islands of Hawaii, Kauai, Oahu and Maui for the purpose of seeking broad student consultation no less than 15 calendar days prior to the scheduled public meeting. [Eff 6/22/81; am 6/10/83; am 6/20/85; am 12/21/89; am 6/18/94; am and comp JAN 06 1996 ] (Auth: HRS § 304-4) (Imp: HRS § 304-4)

Historical Note: Section 20-5-1 is based substantially upon "Tuition Schedule Per Academic Year for All Institutions Under the Jurisdiction of the Board of Regents of the University of Hawaii" of the University of Hawaii board of regents' rules and regulations. [Eff 10/19/74; am 9/12/75; R 6/22/81]

§20-5-2 Maximum summer session rates. (a) The maximum summer session rates for the University of Hawaii at Manoa, the University of Hawaii at Hilo, University of Hawaii-West Oahu, and the UH-Community Colleges shall be as set out in the exhibit entitled "Maximum Summer Session Per-Credit-Hour Rates" dated 10/20/95, which is made a part of this section and located at the end of this chapter. Students who
§20-5-3

register and pay tuition prior to determination of final tuition schedules shall be refunded any excess tuition paid.

(b) The board of regents may decrease the rates reflected in the "Maximum Summer Session Per-Credit-Hour Rates," dated 10/20/95, provided that such adjustments are made at duly scheduled public meetings of the board of regents of the University of Hawaii and that the administration conducts informational sessions on the islands of Hawaii, Kauai, Oahu and Maui for the purpose of seeking broad student consultation no less than 15 calendar days prior to the scheduled public meeting. [Eff 6/22/81; am 6/10/83; am 6/20/85; am 12/21/89; am 8/3/92; am 6/18/94; am and comp JAN 06 1996 ] (Auth: HRS § 304-4) (Imp: HRS § 304-4)

Historical Note: Section 20-5-2 is based substantially upon "Tuition Schedule for the College of Continuing Education and Community Service and Summer Session at the University of Hawaii at Manoa and for the Center for Continuing Education and Community Service and Summer Session at the University of Hawaii at Hilo" of the University of Hawaii board of regents' rules and regulations. [Eff 6/10/77; R 6/22/81]

§20-5-3 Maximum rates for College of continuing education and community service at the University of Hawaii at Manoa. (a) The maximum tuition schedule for the college of continuing education and community service at the University of Hawaii at Manoa shall be as set out in the exhibit entitled "Maximum Continuing Education and Community Service Per-Credit-Hour Rates" dated 10/20/95, which is made a part of this section and located at the end of this chapter. Students who register and pay tuition prior to determination of final tuition schedules shall be refunded any excess tuition paid.

(b) The board of regents may decrease the rates reflected in the "Maximum Continuing Education and Community Service Per-Credit-Hour Rates," dated 10/20/95, provided that such adjustments are made at duly scheduled public meetings of the board of regents of the University of Hawaii and that the administration conducts informational sessions on the
§20-5-3

islands of Hawaii, Kauai, Oahu and Maui for the purpose of seeking broad student consultation no less than 15 calendar days prior to the scheduled public meeting. [Eff 6/22/81; am 6/10/83; am 6/20/85; am 12/21/89; am 6/18/94; am and comp JAN 06 1996 ] (Auth: HRS § 304-4) (Imp: HRS § 304-4)

Historical Note: Section 20-5-3 is based substantially upon "Tuition Schedule for the College of Continuing Education and Community Service and Summer Session at the University of Hawaii at Manoa and for the Center for Continuing Education and Community Service and Summer Session at the University of Hawaii at Hilo" of the University of Hawaii board of regents' rules and regulations. [Eff 6/10/77; R 6/22/81]

§20-5-4 Maximum rates for College of continuing education and community service at the University of Hawaii at Hilo. (a) The maximum tuition schedule for credit programs for the college of continuing education and community service at the University of Hawaii at Hilo shall be as set out in the exhibit entitled "Maximum Continuing Education and Community Service Per-Credit-Hour Rates" dated 10/20/95, which is made a part of this section and located at the end of this chapter. Students who register and pay tuition prior to determination of final tuition schedules shall be refunded any excess tuition paid. (b) The board of regents may decrease the rates reflected in the "Maximum Continuing Education and Community Service Per-Credit-Hour Rates," dated 10/20/95, provided that such adjustments are made at duly scheduled public meetings of the board of regents of the University of Hawaii and that the administration conducts informational sessions on the islands of Hawaii, Kauai, Oahu and Maui for the purpose of seeking broad student consultation no less than 15 calendar days prior to the scheduled public meeting. [Eff 6/22/81; am 6/10/83; am 6/20/85; am 12/21/89; am 6/18/94; am and comp JAN 06 1996 ] (Auth: HRS § 304-4) (Imp: HRS § 304-4)

Historical Note: Section 20-5-4 is based substantially upon "Tuition Schedule for the College of Continuing Education and Community Service and
Summer Session at the University of Hawaii at Manoa and for the Center for Continuing Education and Community Service and Summer Session at the University of Hawaii at Hilo" of the University of Hawaii board of regents' rules and regulations. [Eff 6/10/77; R 6/22/81]

§20-5-5 Selected master of business administration degree programs. The tuition schedule for credit programs for the executive master of business degree program and the extended master of business degree program shall be as set out in "Tuition Schedule for Selected Master of Business Administration Degree Programs (10/16/81)" which is made a part hereof and located at the end of this chapter. [Eff 6/22/81; am 11/27/81; comp JAN 06 1996 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-5-6 Outreach non-credit programs and offerings. (a) The president or his designee is delegated the authority to set tuition and fees for outreach non-credit instruction and public service programs and offerings by use of the following formulas:

(1) Tuition equals (direct costs plus allocated overhead costs) divided by estimated number of participants.

(2) Fees equal costs of expendable and consummable supplies and other items utilized by the student.

(b) Direct costs shall equal necessary instructional and course of program expenditures required to offer and carry out the program. Examples are:

(1) Salary for faculty or other professionals providing instruction or service;

(2) Honoraria for resource people and professionals;

(3) Promotional brochures, mailing, advertising, etc.;

(4) Facilities costs, if off campus, etc.

(c) Allocated overhead costs shall equal incremental administrative costs incurred to support or provide the course, program, or service but which
§20-5-6

cannot be directly or precisely accounted for as part of an activity and which are not funded through other sources such as the general fund. Examples are:

(1) Registration and record keeping;
(2) Cashiering and accounting;
(3) Program and course development;
(4) General administration.


§20-5-7 Apprentice and journey worker instruction at the University of Hawaii community colleges. Tuition for any apprentice and journey worker training program shall be 30 cents per clock hour. The president of the university may administratively adjust the 30 cents per-clock-hour rate for the 1996-97 through 1998-99 academic years by percentage increases not to exceed the most recently negotiated maximum unit 07 collective bargaining increases for non-credit instruction for the 1996-97 through 1998-99 period. The resulting per-clock-hour rates may be rounded up to the nearest cent. For the 1996-97 through 1998-99 academic years, students who register prior to the final determination of tuition rates shall be charged additionally in accordance with the final tuition schedules and the total amount due.

[Eff and comp JAN 06 1996] (Auth: HRS §§ 304-4) (Imp. HRS §§ 304-4, 304-16.5)
UNIVERSITY OF HAWAII

Amendments to and compilation of chapter 5, title 20, Hawaii Administrative Rules, on the Summary Page dated October 20, 1995, were adopted on December 22, 1995, following public hearings held on December 4, 5, 6, and 7, 1995, after public notices were given in the Honolulu Advertiser on November 3, 1995, the Hawaii Tribune Herald on November 3, 1995, the Garden Island on November 2, 1995, and the Maui News on November 2, 1995.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

[Signature]
JOSEPH F. BLANCO, Chairperson
Board of Regents
University of Hawaii

APPROVED:

[Signature]
BENJAMIN J. CAYETANO
Governor
State of Hawaii

Dated: December 27, 1995

DEC 27 1995

Filed

APPROVED AS TO FORM:

[Signature]
Deputy Attorney General
10/20/95

University of Hawaii

MAXIMUM FULL-TIME TUITION SCHEDULE
PER SEMESTER, ALL CAMPUSES

<table>
<thead>
<tr>
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<td>660</td>
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<tr>
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<td>2131</td>
<td>888</td>
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<td>UH-WEST OAHU</td>
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<td>UH-COMMUNITY COLLEGES</td>
<td>252</td>
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NOTES:
(1) Regular day tuition applies to any credit course offered throughout the year for which a General Fund appropriation is authorized.

(2) Above figures include tuition only. General fees are not included.
10/20/95

University of Hawaii

MAXIMUM SUMMER SESSION PER-CREDIT-HOUR RATES
(continued)

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<th>SUMMER SESSION</th>
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| UH-HILO        | 124      |
|                | 469      |
| UH-WEST OAHU   | 124      |
|                | 469      |
| UH-COMMUNITY COLLEGES | 124 |
|                  | 469      |

NOTES:
(1) At all campuses, tuition is not charged for credit courses that are subsidized under contractual agreements.

(2) Community College summer session per-credit-hour rates also apply to non-subsidized credit courses offered off-campus throughout the year.
10/20/95

University of Hawaii

MAXIMUM CONTINUING EDUCATION AND COMMUNITY SERVICE

PER-CREDIT-HOUR RATES

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NOTE: At all campuses, tuition is not charged for credit courses that are subsidized under contractual agreements.
10/20/95
University of Hawaii
MAXIMUM CONTINUING EDUCATION AND COMMUNITY SERVICE
PER-CREDIT-HOUR RATES (continued)

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<td>COMMUNITY SERVICE (CCECS)</td>
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<td>UH-MANOA CCECS</td>
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<td>Graduate</td>
<td>170</td>
</tr>
<tr>
<td>UH-HILO CCECS</td>
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</table>

NOTE: At all campuses, tuition is not charged for credit courses that are subsidized under contractual agreements.
TUITION SCHEDULE FOR SELECTED MASTER
OF BUSINESS ADMINISTRATION DEGREE PROGRAM
(10/16/81)

Executive Master of Business
Administration Degree Program

University of Hawaii at Manoa full College of Continuing
Education and Community Service
Tuition for the full 20-month term of the Manoa Executive
Master of Business Administration Degree Program.

Extended Master of Business
Administration Degree Program

University of Hawaii at Hilo Center for Continuing
Education and Community Service Tuition for the Extended Master of
Business Administration Degree Program.*

Maui Community College.* $40 $80

* Offered by the University of Hawaii at Manoa College of Business Administration.

** Specific rates to be determined by the president.
UNIVERSITY OF HAWAII

Amendment of Chapter 20-5, Hawaii Administrative Rules

(June 20, 1997)

Chapter 5 of Title 20, Hawaii Administrative Rules, is amended.
UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-5
Hawaii Administrative Rules
(October 20, 1995)

SUMMARY

1. §§ 20-5-1 to 20-5-4 are amended.
2. § 20-21-7 is adopted.
3. Exhibits are amended.
4. Chapter 5 is compiled.
HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 6

TUITION WAIVERS

Subchapter 1  General Provisions

§20-6-1  Purpose and policies
§20-6-2  Definition of terms
§20-6-3  Implementation and delegation of authority

Subchapter 2  Rules

§20-6-4  Eligibility, length of award(s), and amount of award(s)
§20-6-5  Tuition waiver procedures
§20-6-6  Enrollment procedures
§20-6-7  REPEALED
§20-6-8  REPEALED
§20-6-9  REPEALED
§20-6-10  REPEALED
§20-6-11  REPEALED
§20-6-12  Hawaii Opportunity Program in Education (HOPE)
§20-6-13  Severability
§20-6-1 Purpose and policies. (a) The purpose of this chapter is to establish tuition waiver criteria that allow for the waiver of payment of all or part of tuition for credit courses offered at the university and to establish procedures whereby such waivers from payment of tuition and fees will be accomplished.

(b) The Board is committed to providing tuition waivers to increase access to University programs for financially needy students and to support University priorities. The primary goal of this tuition assistance program is to facilitate access to the University by financially needy Hawaii residents.

(c) The tuition waiver program supports equal access to University programs to students with demonstrated financial need, with priority to Hawaii residents; promotes the achievement of high quality educational programs by attracting and retaining academically superior students; and fosters the development and maintenance of a highly diversified and stimulating campus environment.

(d) Tuition waivers may be used to support graduate assistants, faculty and staff, as well as various categories of students in accordance with University priorities, agreements, and applicable statutes.

(e) Tuition waivers shall be established in accordance with applicable state statutes and the following policy considerations:

(1) Accessibility and the mix of students;

(2) Financial aid availability and use;

(3) Cost of education and the sharing of that cost between the students and the general public;

(4) Differential tuition rates that reflect the different missions of the major University units; and

(5) Comparison of tuition charges with other comparable campuses of higher education.

§20-6-2 Definition of terms. As used in this chapter:
"Board" means the boards of regents of the University of Hawaii.
"Credit course" means that type of credit, which upon successful completion of the course in which registered, is applicable toward a certificate or degree at the University.
"President" means the president of the University and shall include authorized subordinates.
"Resident" means the classification as a resident of Hawaii according to the provisions contained in chapter 4 of this title.
"Student" means every full-time and part-time graduate and undergraduate student enrolled at the University.
"Tuition waiver" refers to the waiver of payment of all or part of tuition for credit courses offered by the University.
"University" means the publicly supported campuses of the State system of higher education known collectively as the University of Hawaii.

The use of the masculine shall include the feminine and the singular shall include the plural where appropriate. [Eff June 22, 1981; amd May 9, 1998; (Auth: HRS §§91-2, 304-4, 304-14.5; Act 161, 1995 SLH; Act 237, 1996 SLH) (Imp: HRS §§304-4, 304-14.5; Act 161, 1995 SLH; Act 237, 1996 SLH)]

§20-6-3 Implementation and delegation of authority. (a) The board delegates the authority to implement and administer the tuition waiver program, in accordance with the guidelines in this chapter, to the President and the President's authorized designees.

(b) To fully implement the guidelines in this chapter, the President is authorized to establish additional criteria and procedures to properly administer the tuition waiver program.

(c) In a form to be determined by the President, each University campus shall compile information on the distribution of all tuition waivers for the President, who shall submit an annual utilization report to the Board. [Eff June 22, 1981; am May 9, 1998; (Auth: HRS §§91-2, 304-4, 304-14.5; Act 161, 1995 SLH; Act 237, 1996 SLH) (Imp: HRS §§304-4, 304-14.5; Act 161, 1995 SLH; Act 237, 1996 SLH)]
§20-6-4 Eligibility, length of award(s), and amount of award(s). Guidelines for determining eligibility for tuition waivers, length of award(s), and amount of award(s) shall be established by the President or the President's authorized designees in accordance with the policy guidelines of §20-6-1.

§20-6-5 Tuition waiver procedures. Each campus of the University shall establish and make public, prior to the registration period, procedures to be followed by eligible persons for exemption from payment of all or part of tuition and fees for credit courses.

§20-6-6 Enrollment procedures. Each campus of the university shall establish and make public procedures to be followed by an eligible person to receive tuition assistance. In administering the tuition assistance program, each campus shall establish and publish reasonable deadlines and procedures to insure that, where it is appropriate, students are provided with ample notice of such waivers and any procedural requirements.
§20-6-12 Hawaii Opportunity Program in Education (HOPE). (a) The tuition waiver program established by this chapter includes waivers for the Hawaii Opportunity Program in Education (HOPE).

(b) These waivers are intended to support students from disadvantaged backgrounds, who are from ethnic groups under-represented in professions in the state and programs of the university, by reducing financial barriers which prevent them from attending the university. The program is consistent with the university's goals for diversity and quality. The program supports the university's commitment to improve the diversity of its students because diversity enriches the academic experience and is essential to the quality of higher education. Reflecting the multicultural society of the nation and the state in which it exists is a compelling societal and university interest. The program is not limited to persons of Hawaiian, Filipino, Samoan, Southeast Asian, Hispanic, Pacific island and African-American backgrounds although these students in the past have demonstrated that a high proportion are from disadvantaged backgrounds and are under-represented in professions and university programs. Every four years beginning in 1997, the president or the president's designee shall identify the ethnic groups that are under-represented in university programs.

(c) The Board delegates authority to the President to determine criteria for underrepresentation, financial need, and procedures to implement the HOPE program, including scholarship awards from the HOPE special fund.

§20-6-13  **Severability.** If any provision of this chapter, or the application of it to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the provisions which can be given effect without the invalid provision or application, and to this end the provision of the rules in this chapter are severable. [Eff  ] (Auth: Act 161, 1995 SLH; Act 237, 1996 SLH) (Imp: HRS §§304-4, 304-14.5; Act 161, 1995 SLH; Act 237, 1996 SLH)
§§20-14-1 to 20-14-4 Repealed. [R MAY 09 1998]
HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 19

TEACHER INCENTIVE TUITION ASSISTANCE PROGRAM

Repealed

§§20-19-1 to 20-19-12 Repealed. [R MAY 09 1998]

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

David B. Ramos
DAVID B. RAMOS, Chairperson
Board of Regents
University of Hawai'i

APPROVED:

Benjamin J. Cayetano
BENJAMIN J. CAYETANO
Governor
State of Hawai'i

Dated: 4/28/98

APR 29 1998

APPROVED AS TO FORM:

Deputy Attorney General
TITLE 20
UNIVERSITY OF HAWAI'I
CHAPTER 6
TUITION-EXEMPTION PROGRAM FOR SENIOR CITIZENS

Subchapter 1 General Provisions

§ 20-6-1 Purpose
§ 20-6-2 Definition of terms
§ 20-6-3 Delegation of authority

Subchapter 2 Rules

§ 20-6-4 Eligibility for benefits under the senior citizens' tuition exemption program
§ 20-6-5 Exemption procedures
§ 20-6-6 Enrollment procedures
§ 20-6-7 Payment of fees
§ 20-6-8 Basis for enrollment in a course
§ 20-6-9 Enrollment in a degree program
§ 20-6-10 Audit
§ 20-6-11 Misrepresentation

Historical Note: This chapter is based substantially upon "Rules and Regulations Governing Senior Citizens Tuition Exemption Program at All Campuses Under the Jurisdiction of the Board of Regents of the University of Hawaii" promulgated by the University of Hawaii board of regents. [Eff. 10/19/74; R JUN 22 1981]

SUBCHAPTER 1
GENERAL PROVISIONS

§ 20-6-1 Purpose. The purpose of this chapter is to establish criteria to allow for the exemption from or payment of tuition and fees for regular credit courses, summer session credit courses, and evening credit courses in behalf of senior citizens, to provide for the establishment by the campuses of the University of Hawaii of procedures whereby exemption from or payment of tuition and fees will be accomplished, and to provide sanctions for misrepresentation in the application for such an exemption from or payment of tuition and fees. [Eff. JUN 22 1981] (Auth: HRS §§304-4, 304-14.5) (Imp: HRS §§304-4, 304-14.5)
§20-6-2 Definition of terms. As used in this subchapter:

"Academic credit" means that type of credit, which upon successful completion of the course in which registered, is applicable toward a certificate or degree at the university.

"Audit" means to attend a regular, summer session, or evening credit course without receiving academic credit or grade and without a permanent record of such attendance being kept by the office of admissions and records for reference purposes at a date subsequent to the period of attendance.

"Available space" means the difference between the departmentally established maximum course enrollment figure and the number of regularly enrolled students, classified students, and unclassified students, in the course. Available space does not exist for courses in applied music.

"Board" means the board of regents of the University of Hawaii.

"Degree program" means a planned program of study, departmentally approved, leading to a certificate, degree, or professional diploma.

"Evening credit course" means a course which is offered for academic credit by the college of continuing education and community service at the Manoa campus or by the center for continuing education and community service at Hilo.

"Fees" means tuition and comprehensive and mandatory fees including application fee if any, registration fee, laboratory fee associated with a course, and any required student activities fee. No other fees or charges shall be waived.

"Hawaii residency for tuition purposes" means classification as a resident of Hawaii according to chapter 4 of this title.

"Prerequisites" means those criteria which are applied by the university to determine if a person is qualified to be admitted to the university and to register for a course.

"President" means the president of the university and shall include authorized subordinates.

"Registration period" means that period of time during which a student admitted to a campus of the university is required to enroll in a course he wishes to take during the semester that immediately follows such a period.

"Regular credit course" means any course offered during the regular academic term at each of the campuses of the university for which academic credit is granted and which is supported by general funds.

"Senior citizen" means a person who is sixty years of age or older on or before the month of registration
for the course in which enrollment is desired.

"Senior citizens' tuition exemption program" means that program herein described which allows a person to enroll in a course or courses at the university and be exempt from the payment of tuition and fees or to have fees paid by the university.

"Summer session credit course" means a course which is offered for academic credit by the University of Hawaii at Manoa and the University of Hawaii at Hilo during the months of May, June, July, August, and September.

"University" means the publicly supported campuses of the State system of higher education known collectively as the University of Hawaii.

The use of the masculine shall include the feminine and the singular shall include the plural where appropriate. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4, 304-14.5) (Imp: HRS §§304-4, 304-14.5)

§20-6-3 Delegation of authority. The board delegates the authority to administer the senior citizens' tuition exemption program to the president of the university and designated subordinates. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4, 304-14.5) (Imp: HRS §§304-4, 304-14.5)

SUBCHAPTER 2
RULES

§20-6-4 Eligibility for benefits under the senior citizens' tuition exemption program. A person shall be exempt from payment of fees or have fees paid by the university, subject to the availability of funds, if the following requirements are met:

(1) Be a senior citizen at the time of registration for the course in which enrollment is desired.

(2) Meet the requirements for Hawaii residency for tuition purposes, set out in chapter 4 of this title.

(3) Meet the prerequisites established by a particular campus of the university for admission and for enrollment in the course for which exemption from or the payment of fees is provided.

(4) Follow the exemption procedures established by the campus of the university at which the course is to be taken.

(5) Register within the time periods specified for senior citizens' registration by the campus at
which the course is to be taken.


§20-6-5 Exemption procedures. Each campus of the university shall establish and make public prior to the registration period procedures to be followed by eligible persons for exemption from payment of fees for regular credit courses. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4, 304-14.5) (Imp: HRS §§304-4, 304-14.5)

§20-6-6 Enrollment procedures. Each campus of the university shall establish and make public prior to the registration period procedures to be followed by the eligible person to register in a course in which there is available space. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4, 304-14.5) (Imp: HRS §§304-4, 304-14.5)

§20-6-7 Payment of fees. (a) An eligible person may have fees for a summer session or evening credit course paid by the university according to procedures established by the president and from funds made available to the university for such purpose.

(b) The president shall also have the authority to authorize payment of fees for an eligible person enrolling in a course which does not carry academic credit from other funds as may be made available to the university for such purpose.

(c) In the case where the university makes payment of fees for an eligible person, no refund shall be made to the eligible person, should that person terminate enrollment in a course or should the university cancel the course. The refund shall be made to the source from which original payment was made. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4, 304-14.5) (Imp: HRS §§304-4, 304-14.5)

§20-6-8 Basis for enrollment in a course. (a) An eligible person shall be allowed to enroll in those courses for which available space exists. Under no circumstances shall a special course be established to accommodate those enrolling under the senior citizens' tuition exemption program.

(b) Enrollment shall be according to the registration schedule which each campus of the university establishes for registering a person who qualifies for participation in the senior citizens' tuition exemption program.

(c) Once enrolled an eligible person is subject to
all rules and regulations to which a particular campus
of the university subscribes for the continued
enrollment of a student in a course or in the university
or college. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4,
304-14.5) (Imp: HRS §§304-4, 304-14.5)

§20-6-9 Enrollment in a degree program. A senior
citizen desiring to enroll in a degree program offered
by the university must meet the admission requirements
for that program. Meeting such requirements may be a
prerequisite to enrollment in some course.
[Eff. JUN 22 1981 ] (Auth: HRS §§304-4, 304-14.5) (Imp:
HRS §§304-4, 304-14.5)

§20-6-10 Audit. Any credit course offered by the
university may be audited by a senior citizen, subject
to the procedures established by the campus concerned
and the availability of space. [Eff. JUN 22 1981 ]
(Auth: HRS §§304-4, 304-14.5) (Imp: HRS §§304-4,
304-14.5)

§20-6-11 Misrepresentation. A person who
intentionally or wilfully misrepresents any fact upon
any document intended for use in the determination of
eligibility for the senior citizens tuition exemption
program, or who intentionally or wilfully misrepresents
any fact at an appellate hearing hereunder, and who
participates in the senior citizens tuition exemption
program on the basis of such misrepresentations, will be
subject to the regular disciplinary measures of the
university. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4,
304-14.5) (Imp: HRS §§304-4, 304-14.5)
UNIVERSITY OF HAWAII

Amendment of Chapter 20-6 and Repeal of Chapters 20-14 and 20-19; Hawaii Administrative Rules

(June 20, 1997)

1. Chapter 6 of Title 20, Hawaii Administrative Rules, is amended.

2. Chapter 14 of Title 20, Hawaii Administrative Rules is repealed.

3. Chapter 19 of Title 20, Hawaii Administrative Rules is repealed.
TITLE 20
UNIVERSITY OF HAWAII

CHAPTER 7

STUDENT HOUSING

§20-7-1 Rental rates for the University of Hawaii at Manoa
§20-7-2 Rental rates for the University of Hawaii at Hilo

§20-7-1 Rental rates for the University of Hawaii at Manoa. Rental rates for UH-Manoa student housing shall be as reflected in "Student Housing Rental Rates for UH-Manoa (8/30/80)" which is made a part hereof and located at the end of this chapter. [Eff 8/30/80; R 6/22/81] (Auth: HRS §304-2, 304-4) (Imp: HRS §304-2, 304-4)

§20-7-2 Rental rates for the University of Hawaii at Hilo. Rental rates for UH-Hilo student housing shall be as reflected in "Student Housing Rental Rates for UH-Hilo (8/30/80)" which is made a part hereof and located at the end of this chapter. [Eff 8/30/80; R 6/22/81] (Auth: HRS §304-2, 304-4) (Imp: HRS §304-2, 304-4)
STUDENT HOUSING RENTAL RATES FOR UH-MANOA

(8/30/80)

<table>
<thead>
<tr>
<th></th>
<th>Effective 1982</th>
<th>Effective 1982</th>
<th>Effective 1983</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Spring Term</strong></td>
<td><strong>Fall Term</strong></td>
<td><strong>Per Semester</strong></td>
<td><strong>Per Person</strong></td>
</tr>
<tr>
<td><strong>Per Person</strong></td>
<td><strong>Per Person</strong></td>
<td><strong>Per Person</strong></td>
<td><strong>Per Person</strong></td>
</tr>
</tbody>
</table>

A. DORMS

Double Room:

- **Johnson Hall** $353.00 $395.00 $411.00
- **Prear Hall**
- **Hale Kahawai**
- **Hale Anuenue**

Double Room:

- **Gateway House** $417.00 $467.00 $486.00
- **Hale Aloha**

Single Room:

- **Hale Laulima** $441.00 $494.00 $514.00

Single Room:

- **Hale Aloha** $521.00 $584.00 $607.00

B. APARTMENTS

- **1-Bedroom** $664.00 $744.00 $774.00
- **2-Bedroom** $548.00 $614.00 $639.00
### A. DORMS

<table>
<thead>
<tr>
<th>Room Type</th>
<th>Effective 1982</th>
<th>Effective 1983</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Double Room:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Johnson Hall</td>
<td>$218.00</td>
<td>$254.00</td>
</tr>
<tr>
<td>Frear Hall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Kahawai</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Anuenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Double Room:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gateway House</td>
<td>$258.00</td>
<td>$301.00</td>
</tr>
<tr>
<td>Hale Aloha</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Single Room:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Laulima</td>
<td>$272.00</td>
<td>$317.00</td>
</tr>
<tr>
<td><strong>Single Room:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Aloha</td>
<td>$322.00</td>
<td>$375.00</td>
</tr>
</tbody>
</table>

### B. APARTMENTS

<table>
<thead>
<tr>
<th>Room Type</th>
<th>Effective 1982</th>
<th>Effective 1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Bedroom</td>
<td>$345.00</td>
<td>$401.00</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$285.00</td>
<td>$332.00</td>
</tr>
</tbody>
</table>

1/ For rooms and apartments per summer session term per person, the rates above are the minimum and based on a 40-day term; if the period exceeds 40 days, additional charges will be assessed calculated pro rata per day.

Apartments per month per person continuing from the spring term through one or more summer session terms will be calculated for the summer session portion on the basis of the charge for the spring term pro rata per month with periods in excess of a month calculated pro rata per day. A student who first moves into the apartments for the last or only
summer session or for more than one summer session and then continues through the fall terms will be given a credit on the fall term rent equal to the savings provided to the students who continue from the spring term into the summer session.

The basic monthly rate for the foregoing, effective summer term 1982, is:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bedroom</td>
<td>$150.00</td>
</tr>
<tr>
<td>2-bedroom</td>
<td>$124.00</td>
</tr>
</tbody>
</table>

For rooms and apartments per summer session term per person, the rates above are the minimum and based on a 40-day term; if the period exceeds 40 days, additional charges will be assessed calculated pro rata per day.

Apartments per month per person continuing from the spring term through one or more summer session terms will be calculated for the summer session portion on the basis of the charge for the spring term pro rata per month with periods in excess of a month calculated pro rata per day. A student who first moves into the apartments for the last or only summer session or for more than one summer session and then continues through the fall terms will be given a credit on the fall term rent equal to the savings provided to the students who continue from the spring term into the summer session.

The basic monthly rate for the foregoing, effective spring term 1983, is:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bedroom</td>
<td>$175.00</td>
</tr>
<tr>
<td>2-bedroom</td>
<td>$144.00</td>
</tr>
</tbody>
</table>
### STUDENT HOUSING RENTAL RATES FOR UH/HILO

**(8/30/80)**

<table>
<thead>
<tr>
<th></th>
<th>Effective 1982</th>
<th>Effective 1982</th>
<th>Effective 1983</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Spring Term</strong></td>
<td><strong>Fall Term</strong></td>
<td><strong>Spring Term</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Per Semester</strong></td>
<td><strong>Per Semester</strong></td>
<td><strong>Per Semester</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Per Person</strong></td>
<td><strong>Per Person</strong></td>
<td><strong>Per Person</strong></td>
<td></td>
</tr>
</tbody>
</table>

#### A. DORMS

**Double Room:**

<table>
<thead>
<tr>
<th>Dorm</th>
<th>1982</th>
<th>1982</th>
<th>1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hale Kauanoe</td>
<td>$321.00</td>
<td>$359.75</td>
<td>$374.25</td>
</tr>
<tr>
<td>Hale Aloha</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Kanilehua</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Single Room:**

<table>
<thead>
<tr>
<th>Dorm</th>
<th>1982</th>
<th>1982</th>
<th>1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hale Kauanoe</td>
<td>$401.00</td>
<td>$449.25</td>
<td>$467.25</td>
</tr>
<tr>
<td>Hale Aloha</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Kanilehua</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### B. APARTMENTS

<table>
<thead>
<tr>
<th>Bedroom Type</th>
<th>Effective 1982</th>
<th>Effective 1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per 40-Day Term</td>
<td>Per Person 1/</td>
<td>Per Person 2/</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>$635.50</td>
<td>$712.00</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$491.00</td>
<td>$550.00</td>
</tr>
</tbody>
</table>

---

**Effective 1982**

**Effective 1983**

**Summer Sessions Summer Sessions**

**Per 40-Day Term Per 40-Day Term**

#### A. DORMS

**Double Room:**

<table>
<thead>
<tr>
<th>Dorm</th>
<th>1982</th>
<th>1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hale Kauanoe</td>
<td>$140.25</td>
<td>$163.75</td>
</tr>
<tr>
<td>Hale Aloha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Kanilehua</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### B. APARTMENTS

<table>
<thead>
<tr>
<th>Bedroom Type</th>
<th>1982</th>
<th>1983</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Bedroom</td>
<td>$246.25</td>
<td>$287.25</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>$190.25</td>
<td>$222.00</td>
</tr>
</tbody>
</table>
For rooms and apartments per summer session term per person, the rates above are the minimum and based on a 40-day term; if the period exceeds 40 days, additional charges will be assessed; calculated pro rata per day.

Apartments per month per person continuing from the spring term through one or more summer session terms will be calculated for the summer session portion on the basis of the charge for the spring term pro rata per month with periods in excess of a month calculated pro rata per day. A student who first moves into the apartments for the last or only summer session or for more than one summer session and then continues through the fall term will be given a credit on the fall term rent equal to the savings provided to the students who continue from the spring term into the summer session.

The basic monthly rate for the foregoing, effective summer term 1982, is:

- 1-bedroom $143.50
- 2-bedroom $110.75

For rooms and apartments per summer session term per person, the rates above are the minimum and based on a 40-day term; if the period exceeds 40 days, additional charges will be assessed; calculated pro rata per day.

Apartments per month per person continuing from the spring term through one or more summer session terms will be calculated for the summer session portion on the basis of the charge for the spring term pro rata per month with periods in excess of a month calculated pro rata per day. A student who first moves into the apartments for the last or only summer session or for more than one summer session and then continues through the fall term will be given a credit on the fall term rent equal to the savings provided to the students who continue from the spring term into the summer session.

The basic monthly rate for the foregoing, effective spring term 1983, is:

- 1-bedroom $167.00
- 2-bedroom $129.00
TITLE 20
UNIVERSITY OF HAWAII
CHAPTER 7
STUDENT HOUSING

REPEALED. [Eff. 8/30/80; R JUN 22 1981]
UNIVERSITY OF HAWAII

Repeal of Chapter 20-7
Hawaii Administrative Rules

(6/22/81)

Summary

Chapter 20-7, Hawaii Administrative Rules, entitled "Student Housing" is repealed.
§20-8-1 Statement of purpose. The purpose of these rules is to provide guidelines and procedures for the administration of the Student Loan Assistance Program in conformance with the guidelines set forth in the Hawaii Revised Statutes, chapter 304, Part IV. [Eff 6/22/81; am and comp 5/9/98; comp DEC 19 2002] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-95)

§20-8-2 Definitions. As used in this chapter:
"Board" means the Board of Regents of the University of Hawaii.
"Borrower" means a student who receives a loan under the State Loan Assistance Program established under Hawaii Revised Statutes, chapter 304, Part IV, and this chapter.
"Degree" means an associate, baccalaureate, masters, doctoral, or certificate program approved by the Board of Regents and requiring not less than one academic year for completion.
"Financial aid office" means the primary University office which administers the student financial aid for the University campus.
"Financial need" means the student's education and
maintenance expenses exceed the student's ability to pay for those expenses.

"Grace period" means the nine consecutive months following the termination of the student's enrollment on at least a half-time basis.

"President" means the president of the University of Hawaii and shall include the president's authorized designees.

"State Higher Education Loan Fund" means the revolving fund established by Hawaii Revised Statutes, section 304-91.

"Student" means a person who is enrolled at the University with at least a half-time course load as determined by the University according to its own standards and practices.

"Student Loan Assistance Program" means the financial aid program established under Hawaii Revised Statutes, chapter 304, Part IV, for students of the University of Hawaii, including its community colleges.

"University" means the several institutions, collectively or individually, which fall under the jurisdiction of the Board of Regents of the University of Hawaii.

Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural and words in the plural number include the singular. [ Eff 3/12/84; am and comp 5/9/98; comp DEC 19 2002  ] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-95)

§ 20-8-3 Delegation of authority. The Board of Regents delegates its authority to administer and manage the Student Loan Assistance Program and the State Higher Education Loan Fund at the University, in accordance with the guidelines established under Hawaii Revised Statutes, chapter 304, Part IV, and this chapter, to the President and the President's authorized designees. [ Eff 6/22/81; comp 5/9/98; comp DEC 19 2002  ] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-95)

§ 20-8-4 Eligibility. (a) To be eligible for a loan under this chapter, the applicant shall be a student and:
§20-8-6

(1) Be registered in a program at the University which culminates in the award of a degree;
(2) Provide evidence of financial need by completing and submitting forms provided by the financial aid office;
(3) Not be under suspension from the University for disciplinary reasons;
(4) Be a resident of the State of Hawaii for tuition purposes as defined in chapter 20-4; and
(5) Be willing to repay the loan. Failure to meet payment obligations on any previous student loan is evidence that the student is unwilling to repay the loan.

(b) In any period of enrollment during which a student drops below half-time status, the financial aid office shall review the student's eligibility and make any necessary adjustment to the loan award. [Eff 3/12/84; am and comp 5/9/98; comp ]


§20-8-5 Amount of loan. Financial need for each prospective borrower shall be computed by the financial aid office using its standard formula, but the aggregate loan amount for each student shall not exceed those amounts established for the Federal Perkins Loan Program authorized under Title IV, Part E, of the Higher Education Act of 1965, as amended. [Eff 3/12/84; am and comp 5/9/98; comp ]


§20-8-6 Repayment of the loan. (a) Each loan shall be evidenced by an executed promissory note which shall set forth the terms and conditions of the loan. Repayment of principal and interest shall commence after the grace period. Repayment of principal and interest shall be made in equal quarterly or monthly installments within a ten-year period as determined by the University. A payment plan of not less than $45 a quarter or $15 a month shall be required on all loans.
(b) Interest. The rate of interest payable on the loan shall be five per cent simple interest.
(c) Prior to the termination of the borrower's
half-time enrollment, the borrower shall be responsible for reporting any change in name, address, telephone number or social security number to the financial aid office. After the termination of the borrower's half-time enrollment, the borrower shall be responsible for reporting any change in name, address, phone number or social security number to the University office which handles the loan collection.

(d) Exit interview. Immediately prior to the termination of the borrower's half-time enrollment at a campus, the borrower shall be responsible for scheduling and attending an exit interview with the financial aid office. The purpose of the exit interview is to schedule repayments and explain the borrower's rights and responsibilities under the loan. If the borrower fails to schedule and attend an exit interview, the financial aid office shall provide the borrower with the exit interview information either in person or by mail.

(e) Collection costs. The University may charge late fees which do not exceed twenty percent of the installment payment due and all other reasonable costs for the collection of the loan. Any payment received shall be applied in the following order:

(1) Collection costs;
(2) Late fees;
(3) Accrued interest; and
(4) Principal.

(f) The University may demand the immediate repayment of the entire loan, including any accrued interest, late fees, and collection costs, if the borrower fails to make a scheduled repayment or fails to file a deferment on time.

(g) The borrower may prepay all or any part of the loan at any time without penalty.

(h) Deferment. To qualify for a deferment on the loan, the borrower shall submit a written request for deferment. The written request shall include all documentation required by the university and shall be submitted no later than the date the University establishes. Interest shall not accrue and installments need not be paid during any period:

(1) During which the borrower is enrolled at least half-time in a regular semester at an institution of higher education or at a comparable institution outside the United States approved for this purpose by the
§20-8-8

University;

(2) Not in excess of three years during which the borrower is a member of the United States Army, Navy, Air Force, Marines or Coast Guard;

(3) Not in excess of three years in which the borrower serves as a volunteer under the Peace Corps Act;

(4) Not in excess of three years during which the borrower is a volunteer under the Domestic Volunteer Act of 1973; or

(5) During any other period granted by the University for good cause shown.

(i) Any deferment period granted by the University shall not be included in determining the ten-year repayment period.

(j) Cancellation of loan upon death or permanent disability of a borrower. If the borrower becomes permanently and totally disabled after receiving the loan, the unpaid balance of the loan shall be canceled upon receipt of a written request for cancellation and any documentation required by the University to demonstrate that the borrower meets the conditions for cancellation. If the borrower dies, the unpaid balance shall be canceled upon the submission of a death certificate or other official proof of death. [Eff 3/12/84; am and comp 5/9/98; am and comp DEC 19 2002 ] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-93, 304-94, 304-95)

§20-8-7 Allocation of loans. Allocation of loans among student applicants shall be determined by the University on the basis of the students’ academic promise, deportment, and financial need. [Eff 6/22/81; am and comp 5/9/98; comp DEC 19 2002 ] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-95)

§20-8-8 Capacity of minors. For the purpose of applying for, receiving, and repaying the loan under this chapter, any qualified student regardless of whether the student is less than eighteen years of age, shall be deemed to have full legal capacity to act and shall have all rights, powers and privileges and obligations of an adult. [Eff and comp 5/9/98; comp DEC 19 2002 ] (Auth: HRS §§304-4, 304-91, 304-94,
§20-8-9 State higher education loan fund. The State Higher Education Loan Fund is a revolving fund administered by the President on behalf of the Board of Regents. All interest and payments received on account of principal in the loan fund shall be credited to the loan fund. All payments collected, exclusive of the collection agency's commissions, shall revert and be credited to the loan fund. The loan fund shall be disbursed to needy students in accordance with the guidelines established in this chapter. [Eff and comp 5/9/98; comp DEC 19 2002] (Auth: HRS §§304-4, 304-91, 304-94, 304-95) (Imp: HRS §§304-91, 304-93, 304-94, 304-95)
UNIVERSITY OF HAWAII

Amendments to and compilation of chapter 8, title 20, Hawaii Administrative Rules, on the Summary Page dated September 7, 2001 were adopted on September 13, 2002 following a public hearing held on the islands of O'ahu, Kauai, and Oahu on July 17, 22, 23, 24, 2002 after public notice was given in the Honolulu Star Bulletin on June 19, 2002; the Hawaii Tribune Herald on June 20, 2002; The Garden Island on June 18, 2002; and in the Maui News on June 18, 2002. They shall take effect ten days after filing with the Office of the Lieutenant Governor.

BERT A. KOBAYASHI
Chairperson, Board of Regents
University of Hawaii

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Dated: 11-29-02

Filed

APPROVED AS TO FORM:

Deputy Attorney General
UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-8
Hawaii Administrative Rules

(September 7, 2001)

SUMMARY

1. §20-8-6 is amended.
2. Chapter 8 is compiled.
UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-8
Hawaii Administrative Rules
(June 20, 1997)

SUMMARY

1. §20-8-1 to 20-8-7 are amended.
2. §20-8-8 to 20-8-9 are added.
3. Chapter 8 is compiled.
§20-8-1  Statement of purpose
§20-8-2  Definitions
§20-8-3  Delegation of authority
§20-8-4  Eligibility
§20-8-5  Amount of loan
§20-8-6  Repayment of the loan
§20-8-7  Allocation of loans
§20-8-8  Capacity of minors
§20-8-9  State higher education loan fund

§20-8-1  Statement of purpose. The purpose of these rules is to provide guidelines and procedures for the administration of the Student Loan Assistance Program in conformance with the guidelines set forth in the Hawaii Revised Statutes, chapter 304, Part IV. [Eff 6/22/81; am and comp 1998] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-95)

§20-8-2  Definitions. As used in this chapter:
"Board" means the Board of Regents of the University of Hawaii.
"Borrower" means a student who receives a loan under the State Loan Assistance Program established under Hawaii Revised Statutes, chapter 304, Part IV, and this chapter.
"Degree" means an associate, baccalaureate, masters, doctoral, or certificate program approved by the Board of Regents and requiring not less than one academic year for completion.
"Financial aid office" means the primary University office which administers the student financial aid for the University campus.
"Financial need" means the student's education
§20-8-2

and maintenance expenses exceed the student's ability to pay for those expenses.

"Grace period" means the nine consecutive months following the termination of the student's enrollment on at least a half-time basis.

"President" means the president of the University of Hawaii and shall include the president's authorized designees.

"State Higher Education Loan Fund" means the revolving fund established by Hawaii Revised Statutes, section 304-91.

"Student" means a person who is enrolled at the University with at least a half-time course load, as determined by the University according to University standards and practices.

"Student Loan Assistance Program" means the financial aid program established under Hawaii Revised Statutes, chapter 304, Part IV, for students of the University of Hawaii, including its community colleges.

"University" means the several institutions, collectively or individually, which fall under the jurisdiction of the Board of Regents of the University of Hawaii.

Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural and words in the plural number include the singular. [Eff 3/12/84; am and comp May 09 1998] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91 to 304-95)

§20-8-3 Delegation of authority. The Board of Regents delegates its authority to administer and manage the Student Loan Assistance Program and the State Higher Education Loan Fund at the University, in accordance with the guidelines established under Hawaii Revised Statutes, chapter 304, Part IV, and this chapter, to the President and the President's authorized designees. [Eff 6/22/81; comp May 09 1998] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91 to 304-95)

§20-8-4 Eligibility. (a) To be eligible for a loan under this chapter, the applicant shall be a
§20-8-4

student and:
(1) Be registered in a program at the University which culminates in the award of a degree;
(2) Provide evidence of financial need by completing and submitting forms provided by the financial aid office;
(3) Not be under suspension from the University for disciplinary reasons;
(4) Be a resident of the State of Hawaii for tuition purposes as defined in chapter 20-4; and
(5) Be willing to repay the loan. Failure to meet payment obligations on any previous student loan is evidence that the student is unwilling to repay the loan.

(b) In any period of enrollment during which a student drops below half-time status, the financial aid office shall review the student's eligibility and make any necessary adjustment to the loan award. [Eff 3/12/84; am and comp MAY 09 1998] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-92, 304-95)

§20-8-5 Amount of loan. Financial need for each student shall be computed by the financial aid office using its standard formula, but the aggregate loan amount for each student shall not exceed those amounts established for the Federal Perkins Loan Program authorized under Title IV, Part E, of the Higher Education Act of 1965, as amended. [Eff 3/12/84; am and comp MAY 09 1998] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-92, 304-95)

§20-8-6 Repayment of the loan. (a) Each loan shall be evidenced by an executed promissory note which shall set forth the terms and conditions of the loan. Repayment of principal and interest shall commence after the grace period. Repayment of principal and interest shall be made in equal quarterly installments within a ten-year period as determined by the University. A payment plan of not less than $45 a quarter shall be required on all loans.

(b) Interest. The rate of interest payable on
§20-8-6

the loan shall be five per cent simple interest.

(c) Prior to the termination of the borrower's half-time enrollment, the borrower shall be responsible for reporting any change in name, address, telephone number or social security number to the financial aid office. After the termination of the borrower's half-time enrollment, the borrower shall be responsible for reporting any change in name, address, phone number, or social security number to the University office which handles the loan collection.

(d) Exit interview. Immediately prior to the termination of the borrower's half-time enrollment at a campus, the borrower shall be responsible for scheduling and attending an exit interview with the financial aid office. The purpose of the exit interview is to schedule repayments and explain the borrower's rights and responsibilities under the loan. If the borrower fails to schedule and attend an exit interview, the financial aid office shall provide the borrower with the exit interview information either in person or by mail.

(e) Collection costs. The University may charge late fees which do not exceed twenty percent of the installment payment due and all other reasonable costs for the collection of the loan. Any payment received shall be applied in the following order:

1. Collection costs;
2. Late fees;
3. Accrued interest; and
4. Principal.

(f) The University may demand the immediate repayment of the entire loan, including any accrued interest, late fees, and collection costs, if the borrower fails to make a scheduled repayment or fails to file a deferment on time.

(g) The borrower may prepay all or any part of the loan at any time without penalty.

(h) Deferment. To qualify for a deferment on the loan, the borrower shall submit a written request for deferment. The written request shall include all documentation required by the University and shall be submitted no later than the date the University establishes. Interest shall not accrue and installments need not be paid during any period:

1. During which the borrower is enrolled at least half-time in a regular semester at an institution of higher education or at a comparable institution outside the United
§20-8-4

student and:

(1) Be registered in a program at the University which culminates in the award of a degree;

(2) Provide evidence of financial need by completing and submitting forms provided by the financial aid office;

(3) Not be under suspension from the University for disciplinary reasons;

(4) Be a resident of the State of Hawaii for tuition purposes as defined in chapter 20-4; and

(5) Be willing to repay the loan. Failure to meet payment obligations on any previous student loan is evidence that the student is unwilling to repay the loan.

(b) In any period of enrollment during which a student drops below half-time status, the financial aid office shall review the student's eligibility and make any necessary adjustment to the loan award. [Eff 3/12/84; am and comp MAY 09 1998] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-92, 304-95)

§20-8-5 Amount of loan. Financial need for each student shall be computed by the financial aid office using its standard formula, but the aggregate loan amount for each student shall not exceed those amounts established for the Federal Perkins Loan Program authorized under Title IV, Part E, of the Higher Education Act of 1965, as amended. [Eff 3/12/84; am and comp MAY 09 1998] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-92, 304-95)

§20-8-6 Repayment of the loan. (a) Each loan shall be evidenced by an executed promissory note which shall set forth the terms and conditions of the loan. Repayment of principal and interest shall commence after the grace period. Repayment of principal and interest shall be made in equal quarterly installments within a ten-year period as determined by the University. A payment plan of not less than $45 a quarter shall be required on all loans.

(b) Interest. The rate of interest payable on
§20-8-9 State higher education loan fund. The State Higher Education Loan Fund is a revolving fund administered by the President on behalf of the Board of Regents. All interest and payments received on account of the principal in the loan fund shall be credited to the loan fund. All payments collected, exclusive of the collection agency's commissions, shall revert and be credited to the loan fund. The loan fund shall be disbursed to needy students in accordance with the guidelines established in this chapter. [Eff and comp MAY 09 1998] (Auth: HRS §§304-4, 304-91, 304-93, 304-94, 304-95) (Imp: HRS §§304-91, 304-93, 304-94, 304-95)
Amendments to and compilation of chapter 8, title 20, Hawaii Administrative Rules, on the Summary Page dated June 20, 1997, were adopted on March 20, 1998 following a public hearing held on March 2, 3, 4, 5, 1998 after public notices were given in the Honolulu Advertiser, Hawaii Tribune-Herald, Maui News, and the Garden Island on January 13, 14, 16, 1998.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

DAVID B. RAMOS, Chairperson
Board of Regents
University of Hawaii

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Dated: 4/28/98
APR 29 1998
Filed

APPROVED AS TO FORM:

Deputy Attorney General
Rules Amending Title 20, Chapter 8, Administrative Rules (November 18, 1983)

SUMMARY

1. Sections 20-8-2, 20-8-4, 20-8-5, and 20-8-6 are amended.
§20-8-2 Definitions. As used in this chapter:

"Board" means the board of regents of the University of Hawaii.
"University" means the several institutions and each of them that fall under the jurisdiction of the board.
"Student" means a full-time (as defined by the current college catalog) undergraduate or graduate student enrolled at the university, except where the context otherwise requires.
"Degree" means an associate, baccalaureate, masters, doctoral, or certificate program approved by the board and requiring not less than one academic year for completion.
"President" means the president of the university and shall include his authorized subordinate.
"Financial need" means that the assets available or reasonably expected to be available to a prospective borrower during the period for which the loan is requested are less than the reasonable and necessary expected costs or the prospective borrower's maintenance and education at the university during that period.
"Grace period" means the nine consecutive months following the termination of the student's enrollment on at least a half-time basis.
"FAO" means the financial aid office of the university.
The use of the masculine shall include the feminine and the singular shall include the plural where appropriate.

§20-8-4 Eligibility. To be eligible for a loan, the applicant shall be a student and:

(1) Be registered in a program at the university which culminates in the award of a degree;

(2) Provide evidence of financial need by completing and submitting forms for that purpose provided by the FAO;

(3) Not be under suspension from the university for disciplinary reasons; and

(4) Be a bona fide resident of the State of Hawaii for at least one year prior to loan application. [Eff. 6/22/81; am Mar 12 1994] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-92, 304-95)
§20-8-5 Amount of loan. Financial need for each prospective borrower shall be computed by the PAO on the basis of its standard formula then in use, but the aggregate loan amount for each student shall not exceed $5,000 for all undergraduate study and $10,000 for all combined undergraduate and graduate study, or amounts equivalent to those established for the National Direct Student Loan Program authorized under Title IV, Part E, or the Higher Education Act of 1965, as amended, whichever is greater. [Eff. 6/22/81; am MAR 12 1984] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-92, 304-95)
§20-8-6 Repayment of the loan.

(a) Each loan shall be evidenced by an executed promissory note on the current form in use by the FAO. Repayment of principal and interest shall commence after the grace period. Repayment of principal and interest shall be made in equal quarterly installments within a ten-year period.

(b) The rate of interest payable on the loan shall be three per cent simple interest and shall be payable thereafter on the declining balance of the principal amount of the loan. A minimum quarterly payment of $45 shall be required on all loans.

(c) The grace period shall be calculated from the first of the month nearest to the day when the borrower terminates enrollment as at least a half-time student. Any fractional month shall not be counted toward the expiration of the grace period.

(d) Interest charges shall be computed to the nearest first-of-the-month. Payments received during the first to the fifteenth day of the month shall be considered as having been received on the first of the month. Payment received from borrowers during the sixteenth day through the end of the month shall be considered as having been received on the first of the following month. Interest shall be computed from the date when the payment is received rather than from the due date. Any payment received shall be applied first to costs of collecting delinquencies (if any), then to the interest due, and the remainder will be applied to a reduction of the loan principal balance.

(e) The borrower shall be responsible for informing the financial aid office at the institution to which the borrower is indebted of any changes in address at all times.

(f) In the event of a failure to meet a scheduled repayment of any of the installments due on the note, the entire unpaid indebtedness, including interest due and accrued thereon, shall at the option of the institution become immediately due and payable. In the event of borrower's death or total and permanent disability, the unpaid indebtedness shall be cancelled.

(g) The borrower, without penalty, may prepay all or any part of the principal plus the accrued interest at any time.

(h) Interest shall not accrue on the loan, and installments need not be paid during any period:
(1) During which the borrower is continuously enrolled in a regular semester, on at least a half-time basis, in a program which culminates in the award of a degree, at an institution of higher education or at a comparable institution outside the United States approved for this purpose by the president;

(2) Not in excess of three years during which the borrower is a member of the armed forces of the United States;

(3) Not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act;

(4) Not in excess of three years during which the borrower is a volunteer under section 603 of the Economic Opportunity Act of 1964; or

(5) During any other period granted by the university for good cause shown upon timely written application therefor made by borrower.

(i) Any deferments granted shall not be included in determining the ten-year period during which repayment shall be completed.

(j) Any qualified student regardless of age, for the purpose of applying for, receiving, and repaying the loan, shall be deemed to have full legal capacity to act and shall have all rights, powers, privileges, and obligations of an adult with respect thereto.

(k) The borrower is further obligated to:

(1) Report to the FAO when the borrower's course load has been reduced to less than full-time, and

(2) Arrange for an exit interview immediately prior to termination of the borrower's enrollment as at least a half-time student. The purpose of the exit interview is to advise the borrower of all rights and obligations; to confirm the loan status; and to schedule repayments.

(1) In the event the borrower fails to advise the FAO or fails to arrange and attend an exit interview as required herein, the FAO may fix a schedule of repayments for the borrower in accordance with its records and shall then notify the borrower of the schedule by mail sent to the borrower's last known address. [Eff. 6/22/81; am MAR 12 1984] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-93, 304-94, 304-95)
Amendments to Chapter 8 of Title 20, Administrative Rules, on the Summary Page dated November 18, 1983, were adopted on November 18, 1983, following public hearings held on November 1, 1983 (Hawaii) and November 4, 1983 (Oahu), after public notices were given in the Honolulu Star-Bulletin, The Garden Island, and the Maui News on October 12, 1983, and the Hawaii Tribune-Herald on October 14, 1983.

These amendments to Chapter 8 of Title 20 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Stanley Y. Mukai
Chairman, Board of Regents
University of Hawaii

Date: November 28, 1983

APPROVED AS TO FORM:

Deputy Attorney General

GEORGE P. ARYOSHI
Governor
State of Hawaii
Date: 3-1-84
§20-8-1 Statement of purpose. The purpose of these rules is to define requirements for borrowers and procedures for loaning funds within the guidelines set forth by part IV of chapter 304, HRS. [Eff. JUN 22 1981] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-95)

§20-8-2 Definitions. As used in this chapter:
"Board" means the board of regents of the University of Hawaii.
"Degree" means an associate, baccalaureate, masters, doctoral, or certificate program approved by the board and requiring not less than one academic year for completion.
"FAO" means the financial aids office of the university.
"Financial need" means that the assets available or reasonably expected to be available to a prospective borrower during the period for which the loan is requested are less than the reasonable and necessary expected costs of the prospective borrower's maintenance and education at the university during that period.
"Grace period" means the nine consecutive months following the termination of full-time student status.
"President" means the president of the university and shall include authorized subordinates.
§20-8-2

"Student" means a full-time (as defined by the current college catalog) undergraduate or graduate student enrolled at the university, except where the context otherwise requires.

"Textbooks" includes pocketbooks, hard cover books, supplies, tools, instruments and materials which are required and necessary for completion of university degree requirements.

"University" means the several institutions and each of them that fall under the jurisdiction of the board.

The use of the masculine shall include the feminine and the singular shall include the plural where appropriate.


§20-8-3 Delegation of authority. The board delegates its authority to administer and manage the state higher education loan fund at the university to the president. [Eff. JUN 22 1981 ] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-95)

§20-8-4 Eligibility. To be eligible for a loan, the applicant must be a student and:

(1) Be registered in a program at the university which culminates in the award of a degree;

(2) Provide evidence of financial need by completing and submitting forms for that purpose provided by the FAO;

(3) Not be under suspension from the university for disciplinary reasons; and

(4) Have been a resident (as defined in sections 20-4-6, 20-4-7, 20-4-8 and 20-4-9, Administrative Rules) of the State of Hawaii for at least one calendar year; provided that in the event money is available under the state higher education loan fund in excess of that necessary to service such residents, then an applicant who has been enrolled and has successfully completed at least one academic year at the university shall satisfy this residence requirement.


§20-8-5 Amount of loan. Financial need for each prospective borrower shall be computed by the FAO on the basis of its standard formula then in use, but no loan shall exceed the sum of the following components:

8-2
§20-8-6 Repayment of the loan. Each loan shall be evidenced by an executed promissory note on the current form in use by the FAO.

(a) Repayment of principal and interest will commence after the grace period.

(b) Repayment of principal and interest shall be made in equal quarterly installments within a ten-year period.

(c) The rate of interest payable on the loan will be three per cent simple interest and will be payable thereafter on the declining balance of the principal amount of the loan.

(d) A minimum quarterly payment of $45 will be required on all loans.

(e) The grace period will be calculated from the first of the month nearest to the day when the borrower terminates the status of full-time student. Any fractional month will not be counted toward the expiration of the grace period.

(f) Interest charges will be computed to the nearest first-of-the-month. Payments received during the first to the fifteenth day of the month will be considered as having been received on the first of the month. Payment received from borrowers during the sixteenth day through the end of the month will be considered as having been received on the first of the following month.

(g) Interest shall be computed from the date when the payment is received rather than from the due date. Any payment received will be applied first to costs of collecting delinquencies (if any), then to the interest due, and the remainder will be applied to a reduction of the loan principal balance.

(h) The borrower is responsible for informing the financial aid office at the institution to which he is indebted of any changes in address at all times.

(i) In the event of a failure to meet a scheduled repayment of any of the installments due on the note, the entire unpaid indebtedness, including interest due and accrued thereon, shall at the option of the institution become immediately due and payable.

(j) In the event of borrower's death or total and permanent disability, the unpaid indebtedness shall be
§20-8-6

cancelled.

(k) The borrower may, at the borrower's option and without penalty, prepay all or any part of the principal plus the accrued interest at any time.

(l) Interest shall not accrue on the loan, and installments need not be paid during any period:

(1) During which the borrower is carrying, at an institution of higher education or at a comparable institution outside the United States approved for this purpose by the president, a normal full-time academic work load as determined by the institution;

(2) Not in excess of three years during which the borrower is a member of the Armed Forces of the United States;

(3) Not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act;

(4) Not in excess of three years during which the borrower is a volunteer under section 603 of the Economic Opportunity Act of 1964; or

(5) During any other period granted by the university for good cause shown upon timely written application made by borrower.

(m) Any deferments granted shall not be included in determining the ten-year period during which repayment must be completed.

(n) Any qualified student regardless of age, for the purpose of applying for, receiving, and repaying the loan, shall be deemed to have full legal capacity to act and shall have all rights, powers, privileges, and obligations of an adult with respect thereto.

(o) The borrower is further obligated to:

(1) Report to the FAO when his course load has been reduced to less than full-time, and

(2) Arrange for an exit interview immediately prior to termination of his status as a full-time student. The purpose of the exit interview is to advise the borrower of his rights and obligations; to confirm the loan status; and to schedule repayments.

(p) In the event the borrower fails to advise the FAO or fails to arrange and attend an exit interview as required in this chapter, the FAO may fix a schedule of repayments for the borrower in accordance with its records and shall then notify the borrower of such schedule by mail sent to the borrower's last known address. [Eff. JUL 22 1991] (Auth: HRS §§304-4, 304-91, 304-95) (Imp: HRS §§304-91, 304-93, 304-94, 304-95)

§20-8-7 Allocation of loans. Allocation of loans between applicants will be determined by the president
on the basis of the prospective borrower's academic promise, deportment, and need for financial aid.
§20-9-1 Rental and parking rates at the University of Hawaii at Manoa

§20-9-1 Rental and parking rates at the University of Hawaii at Manoa. Rental and parking rates for UH-Manoa faculty housing shall be as reflected in "Faculty Housing Rental and Parking Rates for UH-Manoa (8/30/80)" which is made a part hereof and located at the end of this chapter. [Eff 8/30/80; R 6/22/81] (Auth: HRS §304-2, 304-4) (Imp: HRS §304-2, 304-4)
FACULTY HOUSING RENTAL AND PARKING RATES FOR UH/MANOA
(3/30/90)

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Effective
September 1, 1980
TITLE 20
UNIVERSITY OF HAWAII
CHAPTER 9
FACULTY HOUSING

REPEALED. [Eff. 8/30/80; R JUN 22 1981]
UNIVERSITY OF HAWAII

Repeal of Chapter 20-9
Hawaii Administrative Rules

(6/22/81)

Summary

Chapter 20-9, Hawaii Administrative Rules, entitled "Faculty Housing" is repealed.
HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 10

DELINQUENT FINANCIAL OBLIGATIONS

Subchapter 1  Rules of General Applicability

§20-10-1  Purpose
§20-10-2  General statement of policy
§20-10-3  Definitions
§20-10-4  Categories of delinquent financial obligations
§20-10-5  Notification of delinquent financial obligations
§20-10-6  Application of sanctions

Subchapter 2  Appeals from Notices of Delinquent Financial Obligations or Imposition of Sanctions

§20-10-7  Hearings officers
§20-10-8  Appeals from a notification of delinquent financial obligation or imposition of a sanction under this chapter
§20-10-9  Repealed
§20-10-10  Repealed

Subchapter 3  Setoff of a Person's Delinquent Financial Obligation Against the Person's Hawaii State Income Tax Refund or Any Other Sum Due to the Person from the State

§20-10-11  Purpose of subchapter
§20-10-12  Procedure for setoff
§20-10-13  Hearings to contest the setoff
§20-10-14  Procedures for the administrative hearing on the setoff
§20-10-15  Rules of evidence; official notice
§20-10-16  Final decisionmaking for the University in a contested case hearing
§20-10-17  Consultation by decisionmaking officials;
§20-10-1

ex parte communication prohibited
§20-10-18 Appeals from the final decision

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-10-1 Purpose. This chapter aims to provide the University of Hawaii with a procedure which provides clear and fair methods in collecting delinquent financial obligations owed to the University. [Eff 6/22/81; am and comp 5/9/98; comp DEC 12 2002] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-2 General statement of policy. (a) If a person has assumed a financial obligation to the University of Hawaii and payment is overdue, the University shall have the right to impose sanctions under this chapter as it may deem appropriate.

(b) To implement these rules, the President or the President's designee may issue guidelines consistent with these rules and as may be appropriate. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp DEC 12 2002] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-3 Definitions. As used in this chapter:
"Appeal" means a timely filed petition disputing the University's notification of delinquent financial obligation, including a request for hearing under subchapter 2 filed on the appropriate form.
"Board" means the Board of Regents of the University of Hawaii and shall include its authorized designees.
"Business office" means the primary business office which receives payments for tuition, fees, and other official charges on the University campus at which the delinquent financial obligation occurred.
"Claimant" means the University program which initiates the utilization of the setoff procedures provided in subchapter 3.
"Contested case" means the administrative case
initiated by a person to contest the setoff under subchapter 3.

"Debtor" means any person who owes a debt to the University.

"Defaulted" means failure to make a scheduled installment payment on a promissory note or failure to comply with other terms of a promissory note.

"Delinquent" means being past due on student loan payments or other financial obligations, or failing to pay for tuition and fees by a published deadline.

"Designee" means a person designated or appointed by the University for a specific purpose or duty.

"Hearing officer" means a person duly designated by the University to preside over a hearing under this chapter.

"Party" means any person that participates in an appeal hearing or a contested case hearing as a person filing the appeal, a business office, a debtor, or a claimant.

"Person" includes any individual, corporation, partnership, association, or any trustee, assignee, receiver, or legal successor thereof.

"President" means the President of the University of Hawaii and shall include the President's authorized designees.

"Review" means an informal proceeding which affords a person an opportunity to present the person's case to a University staff member duly authorized under this chapter.

"Sanctions" means the range of penalties which the University may invoke in cases of delinquent financial obligations.

"Setoff" means the application of a person's income tax refund or any other sums due to the person from the State, to a valid debt due and owing the University pursuant to the authority granted by sections 231-51 to 231-59, Hawaii Revised Statutes.

"Student" means any person who is or was enrolled full-time or part-time in any program or activity at the University.

"University" means the several institutions, collectively or individually, which fall under the jurisdiction of the Board of Regents of the University of Hawaii. Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other campuses of the University of Hawaii.

Words of the masculine gender include the feminine
and neuter, and when the sense so indicates, words of
the neuter gender may refer to any gender. Words in
the singular number include the plural, and words in
the plural number include the singular. [Eff 6/22/81;
am 4/4/88; am and comp 5/9/98; am and comp
DEC 12, 2002] (Auth: HRS §§26-38, 91-2, 231-58,
364-1, 501-8) (Imp: HRS §§91-2, 91-9 to 91-13, 231-
53, 304-4, 304-93, 304-95)

§20-10-4 Categories of delinquent financial
obligations. A delinquent financial obligation shall
be deemed to exist, provided that notice of the
financial obligation has been sent to the person, with
the exception of those contracts in which notice is not
required. Delinquent financial obligations shall
include but are not limited to:

(1) Overdue payment of a contractual obligation,
such as but not limited to the following:

(A) Loan payments;

(B) Payments on promissory notes, which
include payments on short-term loan and
long-term loan promissory notes. Long-
term promissory note payments include
the loan principal and accrued interest
as stated on the promissory note. The
applicable collection costs, court
costs, attorneys' fees, and any other
costs incurred to recover the amount
owed may be added to the loan
obligation;

(C) Payments for tuition or other mandatory
fees, or both;

(D) Payments for rent, which include
dormitory or university student housing
rents, board payments, if required or
contracted for, and payments for rental
of facilities and equipment for which
the person acted for himself or as an
agent for a registered campus
organization; and

(E) Payments for any tuition assistance
where the student did not or does not
fulfill any eligibility criteria, term,
condition, or obligation made pursuant
to section 304-14.8, Hawaii Revised
Statutes, or any term and condition of
any other agreement.

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(2) Overdue payment of fines, fees, and charges, or overdue payment for goods and services provided, such as but not limited to the following:
   (A) Library fines;
   (B) Parking and traffic fines;
   (C) Dishonored check fees; and
   (D) Other non-tuitional charges.

(3) Overdue payment of restitution for unreturned, lost, damaged, or misused University property, such as but not limited to the following:
   (A) Charges for laboratory losses or breakage;
   (B) Charges for locker or dormitory keys;
   (C) Charges for library books; and
   (D) Charges for destruction or damage to property.

(4) Overdue payment for financial aid where the person fails to meet any eligibility criteria, term, or condition of the financial aid. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp ]

§20-10-5 Notification of delinquent financial obligation. (a) When any payment on an outstanding financial obligation is overdue, and the University has made reasonable efforts to collect the delinquent financial obligation, the University shall forward the outstanding financial obligation to the appropriate business office.

(b) If the amount of the outstanding financial obligation is $25 or more, the University shall send a letter to the last known address of the debtor. Notice shall be presumed to have been received three business days after mailing. The rights of the University to collect outstanding financial obligations and to apply any sanction listed in this chapter are not waived by the failure of the debtor to receive the notification letter.

(c) The notification letter shall include the following information:
   (1) The sanctions the University may impose if the obligation is not paid or arrangements
§20-10-5

acceptable to the University are not made within fifteen days from the date of the notice;

(2) Notice that any person who deems an alleged financial obligation to have been improperly assessed or who deems a sanction imposed is excessive or unfair may file an appeal with the Office of the Senior Vice President for Administration;

(3) The place where copies of the applicable appeals procedure and form requesting a hearing may be obtained;

(4) Statement that in addition to all other sanctions, the University may seek redress under the law to recover moneys owed to it.

(d) Prior to each registration, the University shall withhold registration materials from any person with a delinquent financial obligation. Any person requesting withheld registration material shall be given the financial obligation statement and shall be directed to the appropriate business office. The business office shall inform the person of the nature and amount of the financial obligation and provide the person with the following information:

(1) The sanctions the University may impose if the obligation is not paid or arrangements acceptable to the University are not made;

(2) If the person requests, the business office shall provide the person with a copy of the applicable appeals procedure and form requesting a hearing, or direct the person to the appropriate place where a copy of the applicable appeals procedure and request form can be obtained;

(3) If the person settles the delinquent financial obligation to the satisfaction of the University, or if the person files the appropriate form requesting a hearing, the University shall release the registration materials to the person. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp DEC 12 2002] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-6 Application of sanctions. (a)
Cancellation of registration during the semester or academic session shall be imposed as a sanction provided no properly filed appeal is in process and:

(1) Tuition or mandatory fee payments are delinquent and no arrangement acceptable to the University has been made for payment; or

(2) The hearing officer has determined that the debt is owed and sanctions are proper.

(b) Denial of further registration may be imposed as a sanction in all other cases of delinquent financial obligations which occur prior to registration and for which no appeal has been filed.

(c) Revocation of all rights and privileges which were conferred by registration or enrollment may be imposed as a sanction in all cases of delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.

(d) Denial of transcripts, diplomas, and other entitlements may be imposed as a sanction in all cases of delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.

(e) In all cases of delinquent financial obligations, the University reserves the right to use any procedure such as the following procedures to recover moneys which are owed to it:

(1) Report delinquent and defaulted amounts, along with other relevant information to credit bureau organizations;

(2) Setoff against a person's Hawaii state income tax refund or any other sums due to the person from the State, any amount which is due and owing to the University, exceeding the amount of $25;

(3) Commence legal action to recover the amount which is owed, including appropriate interest, collection costs, court costs, and attorneys' fees;

(4) Contract the services of a collection agency to recover moneys owed to it, including applicable court costs and attorneys' fees. The collection agency may collect the applicable collection costs as authorized in a written contract with the University pursuant to federal or state law; and

(5) Use the services of University personnel to recover moneys owed to it, including applicable collection costs.
§20-10-6

(f) In addition to all other sanctions, the University may seek redress under the law to recover moneys owed to it.

(g) Costs of implementing the sanctions imposed under these rules may be assessed to the person owing the delinquent financial obligation.

(h) Sanctions imposed under these rules at any campus of the University of Hawaii shall apply to all other campuses of the University.

(i) No sanction shall be imposed upon a person who has filed a petition for relief under Chapter 7, 11, 12, or 13 of the United States Bankruptcy Code.


SUBCHAPTER 2

APPEALS FROM NOTICES OF DELINQUENT FINANCIAL OBLIGATIONS OR IMPOSITION OF SANCTIONS

§20-10-7 Hearing officers. (a) The provost or chancellor of each University campus as appropriate shall designate a hearing officer to hear appeals under this chapter except for the administrative hearing officers for the setoff hearings under subchapter 3.

(b) In any case that does or could present a conflict of interest, the provost or chancellor shall designate a substitute hearing officer for that case, except as provided in subsection (c).

(c) For those campuses for which the Board of Regents has adopted rules governing parking and operation of motor vehicles, the appeals procedure and appointment procedure for hearing officers and final board of appeals as contained within those rules remain in effect. [Eff 6/22/81; am and comp 5/9/98; am and comp DEC 12 2002] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-8 Appeals from a notification of
§20-10-8

delinquent financial obligation or an imposition of a sanction under this chapter. (a) Appeals involving parking and traffic matters shall be resolved under the procedures provided in chapter 20-12.

(b) Informal review of student loan obligations. Any person who is deemed by the University to be delinquent in student loan payments may file a written request for an informal review with the University's Director of the General Accounting and Loan Collection Office, no later than fifteen days after the date of the notification letter of the student loan obligation. After the University has issued a decision on the informal review, any person who still believes that a student loan obligation has been improperly assessed or who believes a sanction imposed is excessive or unfair may file an appeal with the University's Office of the Senior Vice President for Administration within fifteen days from the date of the decision on the informal review. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(c) Filing of an appeal. Any person who believes that any alleged financial obligation (other than an obligation involving parking and traffic matters or student loan matters) was improperly assessed or who deems that a sanction imposed under this chapter is excessive or unfair may appeal the matter to the University's Office of the Senior Vice President for Administration within fifteen days from the date of the official notification of assessment of the obligation or of imposition of a sanction. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(d) Appeals procedure. In all appeals where a person has properly filed an appeal (except appeals involving parking and traffic matters covered by chapter 20-12), a hearing officer shall send a written notification of the hearing to the person who filed the appeal by registered or certified mail with return receipt requested, not less than fifteen days before the date of the hearing.

(1) The notification letter shall include:

(A) The date, time, place, and nature of the hearing;

(B) The legal authority under which the hearing is to be held;

(C) The particular sections of the statutes
and rules involved;

(D) A statement in plain language of the issues involved and the facts surrounding the alleged overdue financial obligations; and

(E) The fact that any party may be accompanied by counsel at the party's own expense.

(2) The hearing officer shall hear the appeal and render a written decision within a reasonable time and issue a copy of the decision to each party.

(3) All appeal hearings under this subchapter shall be informal in nature. Either party may be represented by counsel of its choice and at its own expense, and may summon witnesses as the party may desire. The findings and conclusions of the hearing officer shall be confined to the facts and equities of the case. The person requesting the hearing need not be present at the hearing. The evidence and arguments may be presented in writing.

(4) The hearing officer shall make a finding in each appeal as to whether the alleged financial obligation exists and all parties shall be bound by the hearing officer's finding.

(5) The hearing officer, except as provided in subsection (f), may confirm, modify, or cancel any sanction imposed under subchapters 1 and 2, as may be appropriate under the circumstances in the sound discretion of the hearing officer.

(6) All findings of fact and conclusions of law of the hearing officer shall be in writing and shall be effective upon notification of the parties. The hearing officers' decisions shall be final within the University. The parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order.

(e) The chancellor or provost of the University campus concerned may extend the time for both the filing of the appeal and issuance of the decision for good reasons, provided that no sanction in an appealed case shall be effective until after the hearing officer's decision is rendered, except as provided in
section 20-10-6(c) and (d).

(f) If the hearing officer finds that a delinquency of a tuition or mandatory fee charge exists, the hearing officer shall authorize the cancellation of the individual's registration. If the delinquency of a tuition or mandatory fee charge exists for any previous registration, the hearing officer shall authorize the denial of further registration. In both cases additional sanctions may be imposed. [Eff 4/4/88; am and comp 5/9/98; am and comp ...] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-9 REPEALED. [R 5/9/98]

§20-10-10 REPEALED. [R 5/9/98]

SUBCHAPTER 3

SETOFF OF A PERSON'S DELINQUENT FINANCIAL
OBLIGATION AGAINST THE PERSON'S HAWAII STATE
INCOME TAX REFUND OR ANY OTHER SUM DUE TO THE
PERSON FROM THE STATE

§20-10-11 Purpose of subchapter. This subchapter provides guidelines for the University's utilization of the authority granted under sections 231-51 to 231-59, Hawaii Revised Statutes, to retain the state income tax refund or any other sum due from the State of Hawaii to a person who owes a debt to the University. [Eff 5/9/98; am and comp ...] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-12 Procedure for setoff. (a) When a University claimant decides to utilize the authority granted under sections 231-51 to 231-59, Hawaii Revised Statutes, to request a setoff of a person's debt to the University against the person's state income tax refund or any other sum due to the person from the State, the claimant shall submit the request for setoff to the University's Director of the General Accounting and Loan Collection Office.
§20-10-12

(b) The Director of the General Accounting and Loan Collection Office shall submit the setoff request to the Comptroller of the State Department of Accounting and General Services.

(c) The Comptroller shall issue a written notice to the debtor of the state's intention to apply the debtor's debt to the University against the debtor's state income tax refund or any other sum due the debtor from the state. The Comptroller's written notice shall state that the debtor, within thirty days of the date of the notice, may request an administrative hearing before the University to contest the setoff.

(d) The request for an administrative hearing shall be submitted to the University's Office of the Senior Vice President for Administration in writing not more than thirty days from the date of the Comptroller's notice explained in subsection (c). The Senior Vice President for Administration may extend the time for the submission of the request for hearing upon a showing of good cause, as determined at the sole discretion of the Senior Vice President for Administration. [Eff 5/9/98; am and comp DEC 12 2002] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-93) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-13 Hearings to contest the setoff.

(a) The administrative hearings under this subchapter shall be treated as a contested case hearing under the Hawaii Administrative Procedure Act (Hawaii Revised Statutes chapter 91) and shall be conducted in accordance with the statutory requirements for contested case hearings.

(b) The administrative hearings under this subchapter shall be presided by an administrative hearing officer designated by the President or the President's designee.

(c) Upon receipt of a written request for a contested case hearing, the Office of the Senior Vice President for Administration shall direct the duly designated administrative hearing officer to issue a written notice to both the debtor and the claimant, which notice shall include a statement of:

1. The date, time, place, and nature of the hearing.

2. The legal authority under which the hearing is to be held.
(3) The particular sections of the statutes and rules involved.
(4) An explicit statement in plain language of the issues involved and the facts alleged by the claimant in support thereof; provided that, if the claimant is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.
(5) That the contested case is limited to issues not previously contested by the debtor.
(6) The fact that any party may retain counsel if so desired, and the fact that an individual may appear on the individual's own behalf.

The written notice of hearing shall be provided to all parties to the administrative proceeding at least fifteen days before the hearing. [Eff 5/9/98; comp 12/13/98] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-93; Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-14 Procedures for the administrative hearing on the setoff. (a) Opportunities shall be afforded all parties in a contested case to present evidence and argument on all issues involved.

(b) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(c) For the purpose of decisions, the record of the contested case shall include:

(1) All pleadings, motions, intermediate rulings.
(2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.
(3) Offers of proof and rulings thereon.
(4) Proposed findings and exceptions.
(5) Report of the administrative hearing officer who presided at the hearing.
(6) Staff memoranda submitted to members of the Board of Regents in connection with their
§20-10-14

consideration of the case.

(d) For the purpose of preserving a record of the proceedings before the administrative hearing officer, the proceedings shall be either tape-recorded or recorded verbatim by a shorthand reporter. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, Board review, or court review.

(e) Within a reasonable time following the closure of the hearing on the contested case, the administrative hearing officer shall prepare a proposed decision on the case as a recommendation for the Board.

(f) No matters outside the record shall be considered by the administrative hearing officer in making a proposed decision, except as provided in this chapter.

(g) Every decision and order rendered by the administrative hearing officer shall be in writing and shall contain a statement of reasons for the decision and shall include a determination of each issue of fact or law necessary to the proposed decision. If any party to the contested case proceeding has filed proposed findings of fact, the administrative hearing officer shall incorporate in the proposed decision a ruling upon each proposed finding so presented.

(h) A copy of the proposed decision shall be served upon both the debtor and the claimant by delivering or mailing a copy of the proposed decision and accompanying findings and conclusions to each party or to the party's attorney of record.

(i) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and present argument to the University's Board of Regents before a final decision on the contested case is rendered by the Board. Exceptions shall be filed in the manner set forth in section 20-10-16(b). [Eff 5/9/98; am and comp DEC 12 2002] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-15 Rules of evidence; official notice.

(a) Any oral or documentary evidence may be received by the administrative hearing officer. The administrative hearing officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. No
sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The administrative hearing officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The administrative hearing officer may take notice of judicially recognizable facts. In addition, the administrative hearing officer may take notice of generally recognized technical or scientific facts within the hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Any document filed in a contested case, other than evidence, shall conform to the requirements of section 20-1-7. In addition, all such documents shall be written in ink, typewritten, mimeographed or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached. [Eff 5/9/98; am and comp


§20-10-16 Final decisionmaking for the University in a contested case hearing. (a) Since the administrative hearing is not presided by the Board but rather delegated to an administrative hearing officer, and the Board would not have heard and examined all of the evidence, the final decision for the University shall not be made by the Board until the administrative hearing officer's proposed decision containing a
§20-10-16

statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the debtor and the claimant.

(b) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and to present written and oral arguments to the Board. The exceptions shall be in writing and filed with the Office of the Senior Vice President for Administration not more than fifteen days from the date of the proposed decision. The Board shall provide the aggrieved debtor with an opportunity to present oral arguments at an adjudicatory meeting of the Board. The Hawaii Sunshine Law does not apply to an adjudicatory meeting of the Board.

(c) In rendering the final decision for the University, the members of the Board shall personally consider the whole record of the contested case or such portions thereof as may be cited by the parties. No matters outside the record shall be considered by the Board in making a decision, except as provided in this chapter.

(d) Every decision and order rendered by the Board shall be in writing and shall be accompanied by separate findings of fact and conclusions of law.

(e) Both the debtor and the claimant shall be notified of the Board's final decision by delivering or mailing a copy of the Board's final decision and order and accompanying findings and conclusions to each party or to the party's attorney of record. [Eff 5/9/98; comp 12 2003] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-96) (Imp: HRS §§91-2, 91-9 to 91-13, 92-6(a)(2), 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-17 Consultation by decisionmaking officials; ex parte communication prohibited. At no time after the filing of the written request for a contested case hearing shall any administrative hearing officer, member of the Board who renders a decision in an administrative contested case, or any other person who is likely to advise these officials in the decision on the contested case, discuss ex parte any issue of fact or the merits of the contested case with any interested person not performing a decisionmaking function, except by giving notice to both the debtor and claimant providing an opportunity for all parties
to participate in the discussion. This prohibition shall not apply to consultations required for the disposition of ex parte matters authorized by law or to consultations with the decisionmakers' legal counsel covered by the attorney-client privilege. [Eff 5/9/98; comp ] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-18 Appeals from the final decision. Appeals from the final decision of the Board rendered in a contested case under this subchapter shall be in accordance with Hawaii Revised Statutes chapter 91." [Eff 5/9/98; comp ] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)
UNIVERSITY OF HAWAII

Amendments to and compilation of chapter 10, title 20, Hawaii Administrative Rules, on the Summary Page dated September 7, 2001 were adopted on September 13, 2002 following a public hearing held on the islands of Maui, Hawai‘i, Kauai, and Oahu on July 17, 22, 23, 24, 2002; after public notice was given in the Honolulu Star Bulletin on June 18, 2002; the Hawaii Tribune Herald on June 20, 2002; The Garden Island on June 18, 2002; and in the Maui News on June 18, 2002. They shall take effect ten days after filing with the Office of the Lieutenant Governor.

BERT A. KOBAYASHI
Chairperson, Board of Regents
University of Hawaii

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Dated: \textbf{11-29-02}

 Filed

APPROVED AS TO FORM:

Deputy Attorney General

10-19
UNIVERSITY OF HAWAII
Amendment and Compilation of Chapter 20-10
Hawaii Administrative Rules

( September 7, 2001 )

SUMMARY

1. §§20-10-3 to 20-10-4, 20-10-6 to 20-10-8, 20-10-11 to 20-10-12, and 20-10-14 to 20-10-16 are amended.

2. Chapter 20-10 is compiled.
UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-10
Hawaii Administrative Rules
(June 20, 1997)

SUMMARY

1. §§20-10-1 to 20-10-8 are amended.
2. §§20-10-9 to 20-10-10 are repealed.
3. §§20-10-11 to 20-10-18 are added.
4. Chapter 10 is compiled.
HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 10

DELINQUENT FINANCIAL OBLIGATIONS

Subchapter 1 Rules of General Applicability

§20-10-1 Purpose
§20-10-2 General statement of policy
§20-10-3 Definitions
§20-10-4 Categories of delinquent financial obligations
§20-10-5 Notification of delinquent financial obligations
§20-10-6 Application of sanctions

Subchapter 2 Appeals from notices of delinquent financial obligations or imposition of sanctions

§20-10-7 Hearings officers
§20-10-8 Appeals from a notification of delinquent financial obligation or imposition of a sanction under this chapter
§20-10-9 REPEALED
§20-10-10 REPEALED

Subchapter 3 Setoff of a person’s delinquent financial obligation against the person’s Hawaii state income tax refund or any other sum due to the person from the state

§20-10-11 Purpose of subchapter
§20-10-12 Procedure of setoff
§20-10-13 Hearings to contest the setoff
§20-10-14 Procedures for the administrative hearing on the setoff
§20-10-15 Rules of evidence; official notice
§20-10-16 Final decisionmaking for the University
by the Board of Regents following a contested case hearing presided by an administrative hearing officer

Consultation by decisionmaking officials; ex parte communication prohibited

Appeals from the final decision

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-10-1 Purpose. This chapter aims to provide the University of Hawaii with a procedure which provides clear and fair methods in collecting delinquent financial obligations owed to the University. [Eff 6/22/81; am and comp May 9 1998] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-2 General statement of policy. (a) If a person has assumed a financial obligation to the University of Hawaii and payment is overdue, the University shall have the right to impose sanctions under this chapter as it may deem appropriate.

(b) To implement these rules, the President or the President’s designee may issue guidelines consistent with these rules and as may be appropriate. [Eff 6/22/81; am 4/4/88; am and comp May 9 1998] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-3 Definitions. As used in this chapter:

"Appeal" means a timely filed petition disputing the University’s notification of delinquent financial obligation, including a request for hearing under subchapter 2 filed on the appropriate form.

"Board" means the Board of Regents of the University of Hawaii.

"Business office" means the primary business office which receives payments for tuition, fees, and other official charges on the University campus at which the delinquent financial obligation occurred.
"Claimant" means the University program which initiates the utilization of the setoff procedures provided in subchapter 3.

"Contested case" means the administrative case initiated by a person to contest the setoff under subchapter 3.

"Debtor" means any person who owes a debt to the University.

"Defaulted" means failure to make a scheduled installment payment on a promissory note or failure to comply with other terms of a promissory note.

"Delinquent" means being past due on student loan payments or other financial obligations, or failing to pay for tuition and fees by a published deadline.

"Hearing officer" means a person duly designated by the University to preside over a hearing under this chapter.

"Party" means any person that participates in an appeal hearing or a contested case hearing as a person filing the appeal, a business office, a debtor, or a claimant.

"Person" includes any individual, corporation, partnership, association, or any trustee, assignee, receiver or legal successor thereof.

"President" means the President of the University of Hawaii and shall include the President’s authorized designees.

"Review" means an informal proceeding which affords a person an opportunity to present the person’s case to an University staff member duly authorized under this chapter.

"Sanctions" means the range of penalties which the University may invoke in cases of delinquent financial obligations.

"Setoff" means the application of a person’s income tax refund or any other sums due to the person from the State, to a valid debt due and owing the University pursuant to the authority granted by Hawaii Revised Statutes §§ 231-51 to 231-59.

"Student" means any person who is or was enrolled full-time or part-time in any program or activity at the University.

"University" means the several institutions, collectively or individually, which fall under the jurisdiction of the Board of Regents of the University of Hawaii. Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other
§20-10-3

Campuses of the University of Hawaii.
Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural, and words in the plural number include the singular. [Eff 6/22/81; am 4/4/88; am and comp MAY 09 1998] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-4 Categories of delinquent financial obligations. A delinquent financial obligation shall be deemed to exist, provided that notice of the financial obligation has been sent to the person, with the exception of those contracts in which notice is not required. Delinquent financial obligations shall include but are not limited to:

(1) Overdue payment of a contractual obligation, such as but not limited to the following:
(A) Loan payments;
(B) Payments on promissory notes, which include payments on short-term loan and long-term loan promissory notes. Long-term promissory note payments include the loan principal and accrued interest as stated on the promissory note. The applicable collection costs, court costs, attorneys' fees, and any other costs incurred to recover the financial obligation may be added to the amount due on the loan obligation.
(C) Payments for tuition or other mandatory fees, or both;
(D) Payments for rent, which include dormitory or university student housing rents, board payments, if required or contracted for, and payments for rental of facilities and equipment for which the person acted for himself or as an agent for a registered campus organization; and
(E) Payments for any tuition assistance where the person did not or does not fulfill any eligibility criteria, term, condition, or obligation made pursuant to Hawaii Revised Statutes § 304-14.8, or any term and condition of any other
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agreement.

(2) Overdue payment of fines, fees, and charges, or overdue payment for goods and services provided, such as but not limited to the following:
(A) Library fines;
(B) Parking and traffic fines;
(C) Dishonored check fees; and
(D) Other non-tuition charges.

(3) Overdue payment of restitution for unreturned, lost, damaged, or misused University property, such as but not limited to the following:
(A) Charges for laboratory losses or breakage;
(B) Charges for locker or dormitory keys;
(C) Charges for library books; and
(D) Charges for destruction or damage to property.

[Eff 6/22/81; am 4/4/88; am and comp May 09, 1998]


§20-10-5 Notification of delinquent financial obligation. (a) When any payment on an outstanding financial obligation is overdue, and the University has made reasonable efforts to collect the delinquent financial obligation, the University shall forward the outstanding financial obligation to the appropriate business office.

(b) If the amount of the outstanding financial obligation is $25 or more, the University shall send a letter to the last known address of the debtor. Notice shall be presumed to have been received three business days after mailing. The rights of the University to collect outstanding financial obligations and to apply any sanction listed in this chapter are not waived by the failure of the debtor to receive the notification letter.

(c) The notification letter shall include the following information:
(1) The sanctions the University may impose if the obligation is not paid or arrangements acceptable to the University are not made within fifteen days from the date of the notice;
(2) Notice that any person who deems an alleged financial obligation to have been improperly assessed or who deems a sanction imposed is excessive or unfair may file an appeal with the Office of the Senior Vice President for Administration;

(3) The place where copies of the applicable appeals procedure and form requesting a hearing may be obtained;

(4) Statement that in addition to all other sanctions, the University may seek redress under the law to recover moneys owed to it;

(d) Prior to each registration, the University shall withhold registration materials from any person with a delinquent financial obligation. Any person requesting withheld registration material shall be given the financial obligation statement and shall be directed to the appropriate business office. The business office shall inform the person of the nature and amount of the financial obligation and provide the person with the following information:

(1) The sanctions the University may impose if the obligation is not paid or arrangements acceptable to the University are not made;

(2) If the person requests, the business office shall provide the person with a copy of the applicable appeals procedure and form requesting a hearing, or direct the person to the appropriate place where a copy of the applicable appeals procedure and request form can be obtained;

(3) If the person settles the delinquent financial obligation to the satisfaction of the University, or if the person files the appropriate form requesting a hearing, the University shall release the registration materials to the person.

[Eff 6/22/81; am 4/4/88; am and com MAY 0 9 1998 ]

§20-10-6 Application of sanctions. (a) Cancellation of registration during the semester or academic session shall be imposed as a sanction provided no properly filed appeal is in process and:

(1) Tuition or mandatory fee payments are
delinquent and no arrangement acceptable to
the University has been made for payment; or
(2) The hearing officer has determined that the
debt is owed and sanctions are proper.
(b) Denial of further registration may be
imposed as a sanction in all other cases of delinquent
financial obligations which occur prior to registration
and for which no appeal has been filed.
(c) Revocation of all rights and privileges
which were conferred by registration or enrollment may
be imposed as a sanction in all cases of delinquent
financial obligations. These sanctions shall remain in
force during the appeals and contested case processes.
(d) Denial of transcripts, diplomas, and other
entitlements may be imposed as a sanction in all cases
of delinquent financial obligations. These sanctions
shall remain in force during the appeals and contested
case processes.
(e) In all cases of delinquent financial
obligations, the University reserves the right to use
any procedure such as the following
procedures to recover moneys which are owed to it:
(1) Report delinquent and defaulted amounts,
along with other relevant information to
credit bureau organizations;
(2) Setoff against a person’s Hawaii state
income tax refund or any other sums due to
the person from the State, any amount which
is due and owing to the University,
exceeding the amount of $25;
(3) Commence legal action to recover the amount
which is owed, including appropriate
interest, collection costs, court costs, and
attorneys’ fees;
(4) Contract the services of a collection agency
to recover moneys owed to it, including
applicable court costs and attorneys’ fees.
The collection agency may collect the
applicable collection costs as authorized in
a written contract with the University
pursuant to federal or state law.
(5) Use the services of University personnel to
recover moneys owed to it, including
applicable collection costs;
(f) In addition to all other sanctions, the
University may seek redress under the law to recover
moneys owed to it.
(g) Costs of implementing the sanctions imposed
under these rules may be assessed to the person owing the delinquent financial obligation.

(h) Sanctions imposed under these rules at any campus of the University of Hawaii shall apply to all other campuses of the University.

(i) No sanction shall be imposed upon a person who has filed a petition for relief under Chapter 7, 11, 12, or 13 of the United States Bankruptcy Code.


SUBCHAPTER 2

APPEALS FROM NOTICES OF DELINQUENT FINANCIAL OBLIGATIONS OR IMPOSITION OF SANCTIONS

§20-10-7 Hearing officers. (a) The provost or chancellor of each University campus as appropriate shall designate a hearing officer to hear appeals under this chapter except for the administrative hearing officers for the setoff hearings under subchapter 3.

(b) In any case that does or could present a conflict of interest, the provost or chancellor shall designate a substitute hearing officer for that case, except as provided in (c).

(c) For those campuses for which the Board of Regents has adopted rules governing parking and operation of motor vehicles, the appeals procedure and appointment procedure for hearing officers and final board of appeals as contained within said rules remain in effect. [Eff 6/22/81; am and comp MAY 09 1998] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-8 Appeals from a notification of delinquent financial obligation or an imposition of a sanction under this chapter. (a) Appeals involving parking and traffic matters shall be resolved under the procedures provided in chapter 20-12, Hawaii Administrative Rules.
(b) Informal review of student loan obligations. Any person who is deemed by the University to be delinquent in student loan payments may file a written request for an informal review with the University's Director of the General Accounting and Loan Collection Office, no later than fifteen days after the date of the notification letter of the student loan obligation. After the University has issued a decision on the informal review, any person who still believes that a student loan obligation has been improperly assessed or who believes a sanction imposed is excessive or unfair may file an appeal with the University's Office of the Senior Vice President for Administration within fifteen days from the date of the decision on the informal review. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(c) Filing of an appeal. Any person who believes that any alleged financial obligation (other than a student loan obligation) has been improperly assessed or who deems that a sanction imposed under this chapter is excessive or unfair may appeal the matter to the University's Office of the Senior Vice President for Administration within fifteen days from the date of the official notification of assessment of the obligation or of imposition of a sanction. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(d) Appeals procedure. In all appeals where a person has properly filed an appeal (except appeals involving parking and traffic matters covered by chapter 20-12), a hearing officer shall send a written notification of the hearing to the person who filed the appeal by registered or certified mail with return receipt requested, not less than fifteen days before the date of the hearing.

(1) The notification letter shall include:
   (A) The date, time, place, and nature of the hearing;
   (B) The legal authority under which the hearing is to be held;
   (C) The particular sections of the statutes and rules involved;
   (D) A statement in plain language of the issues involved and the facts surrounding the alleged overdue

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financial obligations; and

(E) The fact that any party may be
accompanied by counsel at the party's
own expense.

(2) The hearing officer shall hear the appeal
and render a written decision within a
reasonable time and issue a copy of the
decision to each party.

(3) All appeal hearings under this subchapter
shall be informal in nature. Either party
may be represented by counsel of its choice
and at its own expense, and may summon
witnesses as the party may desire. The
findings and conclusions of the hearing
officer shall be confined to the facts and
equities of the case. The person requesting
the hearing need not be present at the
hearing. The evidence and arguments may be
presented in writing.

(4) The hearing officer shall make a finding in
each appeal as to whether the alleged
financial obligation exists and all parties
shall be bound by the hearing officer's
finding.

(5) The hearing officer, except as provided in
subsection (f), may confirm, modify, or
cancel any sanction imposed under
subchapters 1 and 2, as may be appropriate
under the circumstances in the sound
discretion of the hearing officer.

(6) All findings of fact and conclusions of law
of the hearing officer shall be in writing
and shall be effective upon notification of
the parties. The hearing officers'
decisions shall be final within the
University. The parties to the proceeding
shall be notified by delivery or mailing of
a certified copy of the decision and order.

(e) The chancellor or provost of the University
campus concerned may extend the time for both the
filing of the appeal and issuance of the decision for
good reasons, provided that no sanction in an appealed
case shall be effective until after the hearing
officer's decision is rendered, except as provided in
section 20-10-6(c) and (d).

(f) If the hearing officer finds that a
delinquency of a tuition or mandatory fee charge
exists, the hearing officer shall authorize the
cancellation of the individual's registration. If the delinquency of a tuition or mandatory fee charge exists for any previous registration, the hearing officer shall authorize the denial of further registration. In both cases additional sanctions may be imposed. [Eff 4/4/88; am and comp 1/1/98] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304-4, 304-93, 304-95)

§20-10-10 REPEALED. [R MAY 09 1998 ]

SUBCHAPTER 3

SETOFF OF A PERSON'S DELINQUENT FINANCIAL OBLIGATION AGAINST THE PERSON'S HAWAII STATE INCOME TAX REFUND OR ANY OTHER SUM DUE TO THE PERSON FROM THE STATE

§20-10-11 Purpose of subchapter. This subchapter provides guidelines for the University’s utilization of the authority granted under Hawaii Revised Statutes §§ 231-51 to 231-59 to retain the state income tax refund or any other sum due from the State of Hawaii to a person who owes a debt to the University. [Eff MAY 09 1998.] (Auth: HRS §§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-12 Procedure for setoff. (a) When a University claimant decides to utilize the authority granted under Hawaii Revised Statutes §§ 231-51 to 231-59 to request a setoff of a person’s debt to the University against the person’s state income tax refund or any other sum due to the person from the State, the claimant shall submit the request for setoff to the University’s Director of the General Accounting and Loan Collection Office.

(b) The Director of the General Accounting and Loan Collection Office shall submit the setoff request to the Comptroller of the State Department of Accounting and General Services.

(c) The Comptroller shall issue a written notice
to the debtor of the State’s intention to apply the
debtor’s debt to the University against the debtor’s
state income tax refund or any other sum due the debtor
from the State. The Comptroller’s written notice shall
state that the debtor, within thirty days of the date
of the notice, may request an administrative hearing
before the University to contest the setoff.

d) The request for an administrative hearing
shall be submitted to the University’s Office of the
Senior Vice President for Administration in writing not
more than thirty days from the date of the
Comptroller’s notice explained in paragraph (c) above.
The Senior Vice President for Administration may extend
the time for the submission of the request for hearing
upon a showing of good cause, as determined at the sole
discretion of the Senior Vice President for Administration. [Eff MAY 09 1998] (Auth: HRS
§§26-38, 91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-
2, 91-9 to 91-13, 92-16, 231-53, 304-4, 304-93, 304-95)

§20-10-13 Hearings to contest the setoff.
(a) The administrative hearings under this subchapter
shall be treated as a contested case hearing under the
Hawaii Administrative Procedure Act (Hawaii Revised
Statutes chapter 91) and shall be conducted in
accordance with the statutory requirements for
contested case hearings.
(b) The administrative hearings under this
subchapter shall be presided by an administrative
hearing officer designated by the President or the
President’s designee.
(c) Upon receipt of a written request for a
contested case hearing, the Office of the Senior Vice
President for Administration shall direct the duly
designated administrative hearing officer to issue a
written notice to both the debtor and the claimant,
which notice shall include a statement of:
(1) The date, time, place, and nature of the
hearing.
(2) The legal authority under which the hearing
is to be held.
(3) The particular sections of the statutes and
rules involved.
(4) An explicit statement in plain language of
the issues involved and the facts alleged by
the claimant in support thereof; provided
that, if the claimant is unable to state

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such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.

(5) That the contested case is limited to issues not previously contested by the debtor.

(6) The fact that any party may retain counsel if so desired, and the fact that an individual may appear on the individual's own behalf.

The written notice of hearing shall be provided to all parties to the administrative proceeding at least fifteen days before the hearing.


§20-10-14 Procedures for the administrative hearing on the setoff. (a) Opportunities shall be afforded all parties in a contested case to present evidence and argument on all issues involved.

(b) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(c) For the purpose of decisions, the record of the contested case shall include:

(1) All pleadings, motions, intermediate rulings.

(2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.

(3) Offers of proof and rulings thereon.

(4) Proposed findings and exceptions.

(5) Report of the administrative hearing officer who presided at the hearing.

(6) Staff memoranda submitted to members of the Board of Regents in connection with their consideration of the case.

(d) For the purpose of preserving a record of the proceedings before the administrative hearing officer, the proceedings shall be either tape-recorded or recorded verbatim by a shorthand reporter. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, Board review, or
court review.

(e) Within a reasonable time following the closure of the hearing on the contested case, the administrative hearing officer shall prepare a proposed decision on the case as a recommendation for the Board.

(f) No matters outside the record shall be considered by the administrative hearing officer in making a proposed decision, except as provided in this chapter.

(g) Every decision and order rendered by the administrative hearing officer shall be in writing and shall contain a statement of reasons for the decision and shall include a determination of each issue of fact or law necessary to the proposed decision. If any party to the contested case proceeding has filed proposed findings of fact, the administrative hearing officer shall incorporate in the proposed decision a ruling upon each proposed finding so presented.

(h) A copy of the proposed decision shall be served upon both the debtor and the claimant by delivering or mailing a copy of the proposed decision and accompanying findings and conclusions to each party or to the party's attorney of record.

(i) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and present argument to the University's Board of Regents before a final decision on the contested case is rendered by the Board. Exceptions shall be filed in the manner set forth in paragraph (b) of § 20-10-16.


§20-10-15 Rules of evidence; official notice.

(a) Any oral or documentary evidence may be received by the administrative hearing officer. The administrative hearing officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The administrative hearing officer shall give effect to the rules of privilege recognized by law.
(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The administrative hearing officer may take notice of judicially recognizable facts. In addition, the administrative hearing officer may take notice of generally recognized technical or scientific facts within the hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Any document filed in a contested case, other than evidence, shall conform to the requirements of Hawaii Administrative Rules § 20-1-7. In addition, all such documents shall be written in ink, typewritten, mimeographed or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached.

§20-10-16 Final decisionmaking for the University by the Board of Regents following a contested case hearing presided by an administrative hearing officer.

(a) Since the administrative hearing is not presided by the Board but rather delegated to an administrative hearing officer, and the Board would not have heard and examined all of the evidence, the final decision for the University shall not be made by the Board until the administrative hearing officer's proposed decision containing a statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the debtor and the claimant.

(b) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an
§20-10-16

opportunity to file exceptions to the proposed decision and to present written and oral arguments to the Board. The exceptions shall be in writing and filed with the Office of the Senior Vice President for Administration not more than fifteen days from the date of the proposed decision. The Board shall provide the aggrieved debtor with an opportunity to present oral arguments at an adjudicatory meeting of the Board. The Hawaii Sunshine Law does not apply to an adjudicatory meeting of the Board.

(c) In rendering the final decision for the University, the members of the Board shall personally consider the whole record of the contested case or such portions thereof as may be cited by the parties. No matters outside the record shall be considered by the Board in making a decision, except as provided in this chapter.

(d) Every decision and order rendered by the Board shall be in writing and shall be accompanied by separate findings of fact and conclusions of law.

(e) Both the debtor and the claimant shall be notified of the Board's final decision by delivering or mailing a copy of the Board's final decision and order and accompanying findings and conclusions to each party or to the party's attorney of record.


§20-10-17 Consultation by decisionmaking officials; ex parte communication prohibited. At no time after the filing of the written request for a contested case hearing shall any administrative hearing officer, member of the Board who renders a decision in an administrative contested case, or any other person who is likely to advise these officials in the decision on the contested case, discuss ex parte any issue of fact or the merits of the contested case with any interested person not performing a decisionmaking function, except by giving notice to both the debtor and claimant providing an opportunity for all parties to participate in the discussion. This prohibition shall not apply to consultations required for the disposition of ex parte matters authorized by law or to consultations with the decisionmakers' legal counsel covered by the attorney-client privilege.

[Eff MAY 09 1998] (Auth: HRS §§26-38, 91-2,
§20-10-18  Appeals from the final decision. Appeals from the final decision of the Board rendered in a contested case under this subchapter shall be in accordance with Hawaii Revised Statutes chapter 91."

UNIVERSITY OF HAWAII

Amendments to Chapter 20-10,
Hawaii Administrative Rules
(11/20/87)

SUMMARY

§20-10-2 General statement of policy. (a) If a student at the University of Hawaii has assumed a financial obligation to the university and payment is overdue, the university shall have the right to impose sanctions in this chapter as it may deem appropriate. [Eff. 6/22/81; am APR 04 1988 ] (Auth: HRS §§231-58, 304-4, 304-95) (Imp: HRS §§231-53, 304-4, 304-93, 304-95)
§20-10-3 Definitions. ***
"Defaulted" means failure to make a scheduled installment payment on a promissory note or failure to comply with other terms of a promissory note.
"Delinquent" means being past due on student loan payments or other financial obligations.
"Review" means an informal proceeding which affords a student an opportunity to present the student's case.
"Sanctions" means the range of penalties which the university may invoke in cases where a student has a delinquent financial obligation.
"Setoff" means the application of a debtor's income tax refund or any other sums due to the debtor from the State, to a valid debt due and owing any state agency, board, commission, department, institution, or other state organization, or any subdivision thereof.

Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural, and words in the plural number include the singular. [Eff. 6/22/81; am APR 04 1988 ] (Auth: HRS §§ 231-58, 304-4, 304-95) (Imp: HRS §§ 231-53, 304-4, 304-95)
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"Review" means an informal proceeding which affords a student an opportunity to present the student's case.
"Sanctions" means the range of penalties which the university may invoke in cases where a student has a delinquent financial obligation.
"Setoff" means the application of a debtor's income tax refund or any other sums due to the debtor from the State, to a valid debt due and owing any state agency, board, commission, department, institution, or other state organization, or any subdivision thereof.

Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural, and words in the plural number include the singular. [Eff. Jun 22, 1981; Am. APR 04 1988] (Auth: HRS § 304-4) (Imp: HRS § 304-4)
§20-10-4  **Categories of delinquent financial obligations.** A delinquent financial obligation shall be deemed to exist when any of the events in this section occur, provided that notice of the financial obligations has been made known to the student, with the exception of those contracts which state that such notice is not required:

1. Payment of contractual obligation becomes overdue. These obligations shall include but not necessarily be limited to:
   (A) Loan payments;
   (B) Payments on promissory notes, which include payments on short-term loan and long-term loan promissory notes. Long-term promissory note payments include the loan principal and accrued interest as stated on the promissory note. The applicable collection agency costs, court costs, attorney fees and any other costs incurred to recover the financial obligation may be added to the amount due on the loan obligation;
   (C) Payments for tuition or other mandatory fees, or both;
   (D) Payments for rent including, but not limited to, dormitory or university student housing rents, including board payments, if required or contracted for, rental of facilities and equipment for which the individual acted for himself or as an agent for a registered campus organization, etc.; and
   (E) Payments for any tuition assistance where the student did not or does not fulfill any eligibility criteria, terms, conditions or obligations made pursuant to section 304-14.8, H.R.S., or any terms and conditions of any other agreement.

2. Payment of fines, charges or payments for goods or services provided, or service charges which have been properly assessed becomes overdue. These fines and charges include but are not necessarily limited to:
   (A) Library fines;
   (B) Parking and traffic fines;
   (C) Service charges for dishonored checks; or
   (D) Other non-tuition charges.
(3) Restitution for unreturned, lost, damaged or misused university property becomes overdue. These charges include but are not necessarily limited to charges for laboratory losses or breakage, locker keys, dormitory keys, library books, destruction or damage to property, etc. [Eff. 6/22/81; am APR 04 1988 ] (Auth: HRS §§231-58, 304-4, 304-95) (Imp: HRS §§231-53, 304-4, 304-14:8, 304-93)
§20-10-5 Notification of delinquent financial obligation. (a) When any payment on an outstanding financial obligation is overdue, and the university has made reasonable efforts to collect it, the university shall forward the bill to the applicable business office. (b) If the amount of the outstanding financial obligation is $25 or more, the university shall send a letter to the last known address of the individual. Notice shall be presumed to have been received three business days after mailing. The rights of the university to collect outstanding financial obligations and to apply any sanctions listed in this chapter are not waived by the failure of the student to receive the notification letter. (c) The notification letter shall include a copy of the bill and the following information: (1) The sanctions the university may impose if the obligation is not paid or arrangements acceptable to the university are not made within ten days from the date of notice; (2) Notice that any person who deems an alleged financial obligation to have been improperly assessed or who deems a sanction imposed is excessive or unfair may file an appeal; (3) The place where copies of the applicable appeals procedure and form requesting a hearing may be obtained; (4) Statement that in addition to all other sanctions, the university may seek redress under the law, and may turn the obligation over to a collection agency. (d) Prior to each registration, the university shall withhold registration materials from students with delinquent financial obligations. Students requesting withheld material shall be given the financial obligation statement and shall be directed to the appropriate business office. The business office shall inform the student of the nature and amount of the financial obligation and provide the student with the following information: (1) The sanctions the university may impose if the obligation is not paid or arrangements for repayment, acceptable to the university are not made; (2) If the student requests, the business office shall provide the student with a copy of the
applicable appeals procedure and form requesting a hearing, or direct the student to the appropriate place where a copy of the applicable appeals procedure and request form can be obtained;

(3) If the student settles the delinquent financial obligation to the satisfaction of the university, or if the student files the appropriate form requesting a hearing, the university shall release the registration materials to the student. [Eff. 6/22/81; am APR 04 1988 1 (Auth: HRS §§91-2, 231-58, 304-4, 304-95) (Imp: HRS §§91-9, 231-53, 304-4, 304-93, 304-95)
§20-10-6 Application of the sanctions. (a)  
Cancellation of registration during the semester or academic session shall be imposed as a sanction provided no properly filed appeal is in process and:

(1) Tuition and mandatory fee payments are delinquent and no arrangements acceptable to the university have been made for payment; or

(2) The hearing officer has determined that the debt is owed and sanctions are proper.

(b) Denial of further registration may be imposed as a sanction in all other cases of a delinquent financial obligation which occurs prior to registration and for which no appeal has been filed.

(c) Revocation of all rights and privileges which are or were conferred by the act of registration may be imposed as a sanction in all cases and at all times that the individual's name is listed on the official record of those who have delinquent financial obligations with the university. These sanctions shall remain in force during the appeals process.

(d) In all cases of delinquent financial obligations which are overdue, the university reserves the right to utilize the following procedures to recover monies which are owed to it:

(1) Report delinquent and defaulted amounts, along with other relevant information to credit bureau organizations;

(2) Setoff against a student's Hawaii state income tax refund or any other sums due to the student from the State, any amount which is due and owing to the university, exceeding the amount of $25;

(3) Commence legal action to recover the amount which is owed, together with appropriate interest, court costs and attorney fees; and

(4) Contract the services of a collection agency to recover monies owed to it, including applicable collection and court costs and attorney fees.

(e) A notation on the student's transcript may be made in all cases of delinquent financial obligations.

(f) Sanctions imposed under these rules at any campus of the University of Hawaii shall apply to all other campuses of the university.

(g) No sanction shall be imposed upon a student who has filed for relief under the bankruptcy code, 11 U.S.C.
§20-10-8 Contested cases. (a) Contested cases involving parking and traffic matters shall be resolved under the procedures provided in chapter 20-12, Hawaii Administrative Rules.

(b) Any person who is deemed by the university to be delinquent in student loan payments may request an informal review with the university, not later than ten days from the date of the notification letter of the student loan obligation. After the university has issued an informal decision, any student who still believes a student loan obligation has been improperly assessed or who believes a sanction imposed is excessive or unfair may request an appeal within ten days from the date of the informal decision. The hearing officer shall hear the case and render a decision not later than twenty days after receiving the request for hearing.

(c) Any person who believes that an alleged financial obligation (other than an obligation involving parking and traffic matters or student loan matters) was improperly assessed or who deems that a sanction imposed under this chapter is excessive or unfair may appeal the case to the hearing officer within ten days of official notification of assessment of the obligation. The hearing officer shall hear the case and render a decision within twenty days after receiving the appropriate form to request a hearing.

(d) In all contested cases where the student has properly filed an appeal, a notification of the hearing shall be sent to the student by registered or certified mail with return receipt requested, not less than fifteen days before the date of the hearing.

1. The notification letter shall include:
   (A) The date, time, place, and nature of the hearing;
   (B) The legal authority under which the hearing is to be held;
   (C) The particular sections of the statutes and rules involved;
   (D) A statement in plain language of the issues involved and the facts surrounding the alleged overdue financial obligations; and
   (E) The fact that any party may be accompanied by counsel at the party's own expense.
(2) All hearings under these rules shall be informal in nature. Either side may be represented by counsel of its choice and at its own expense and may summon such witnesses as it may desire. The findings and conclusions of the hearing officer shall be confined to the facts and equities of the case. The person requesting the hearing need not be present at the hearing. The evidence and arguments may be presented in writing.

(3) The hearing officer shall make a finding in each case as to whether the alleged financial obligation exists and both parties shall be bound by the finding within the university.

(4) The hearing officer, except as provided in subsection (f) may also confirm, modify, or cancel any sanctions imposed under these rules, as may be appropriate under the circumstances. All findings of fact and conclusions of law of the hearing officer shall be in writing and shall be effective upon notification of the parties. Hearing officers' decisions shall be final within the university. The parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order.

(e) The chancellor or provost of the campus concerned may extend the time for both appeal and decision for good reasons, provided that no sanction in an appealed case shall be effective until after the hearing officer's decision is rendered, except as provided in section 20-10-6(c).

(f) If the hearing officer finds that a delinquency of a tuition or mandatory fee charge exists, the hearing officer shall direct the cancellation of registration by the dates and times outlined in any approved deferred tuition program. If the delinquency of a tuition or mandatory fee charge exists for any previous registration, the hearing officer shall direct the denial of further registration. In both cases additional sanctions may be directed.

(g) All hearings to contest the setoff of a student's delinquent financial obligation against the
student's Hawaii state income tax refund or any other sums due to the student from the State, shall be:
(1) Requested not more than thirty days from the date of the notice from the State informing the student of the State's intention to apply the student's debt against his income tax refund or other sums due from the State;
(2) Conducted by a duly appointed hearing officer of the University of Hawaii;
(3) Final within the University;
(4) Governed and conducted in accordance with this chapter and chapter 91, H.R.S.;
(5) Limited to issues not previously contested.

[Eff. 6/22/81; am 1988]

(Auth: HRS §§91-2, 231-58, 304-4, 304-95)
(Imp: HRS §§91-9, 91-9.5, 91-12, 231-53, 304-4, 304-93, 304-95)
UNIVERSITY OF HAWAII

Amendments to chapter 20-10, Hawaii Administrative Rules, on the Summary page dated November 20, 1987, were adopted on November 20, 1987, following public hearings held on November 9, 10, 12, and 13, 1987, after public notices were given in the Honolulu Star-Bulletin and The Garden Island on October 19, 1987, and in the Hawaii Tribune-Herald and the Maui News on October 20, 1987.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Gladys A. Brandt
Chairman, Board of Regents
University of Hawaii

APPROVED AS TO FORM:

Russell A. Sugihara
Deputy Attorney General

John D. Waihee
Governor
State of Hawaii

Date: MAR 24 1988

Filed
§20-10-1 Purpose. This chapter aims to provide
the University of Hawaii with a procedure which
provides clear and fair methods in collecting
delinquent financial obligations owed to the
institution by students or individuals who become
delinquent by reason of being registered as students or
the consequences of same. Faculty and staff members
are covered by statutory law which requires that
payment for delinquent financial obligations must be
deducted from paychecks if the member does not make
payment after timely notice. [Eff. JUN 22 1981 ] (Auth:
HRS §304-4) (Imp: HRS §304-4)

§20-10-2 General statement of policy. (a) If a
student at the University of Hawaii has assumed a
financial obligation to the university and payment is
overdue, the university shall have the right to impose
the following sanctions as it may deem appropriate to
the specific case:

(1) Denial of further registration or cancellation
of registration;

(2) Withdrawal of services connected with the
evidences of instruction such as transcripts,
§20-10-2

(diplomas, etc.;

(3) Notation of the financial obligation on the
the transcript; and

(4) Cessation of all rights and privileges which
are or were conferred by the act of
registration.

(b) In all cases the university reserves the right
to utilize, at any point in these procedures, the
services of a collection agency, or the civil courts,
or both, in its efforts to recover monies which are
owed to it, including applicable collection and court
costs. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp:
HRS §304-4)

§20-10-3 Definitions. As used in this chapter:

"Appeal" means a timely filed petition on the
"Request for Hearing on Financial Obligations" form.

"Bill" means an invoice or statement showing the
category or categories of financial obligations and the
aggregate sum owed in each. Where the aggregate is the
sum of more than one delinquent action (e.g., more than
one overdue library fine), the details will be retained
by the department and made available to the named
student upon request.

"Business office" means the primary business office
which receives payments for tuition, fees and other
official charges on the campus at which the delinquent
financial obligation occurred.

"Department" means any identifiable unit of the
university which provides a program, service of
facility used by students.

"Hearing officer" means a duly appointed person on
each campus.

"Sanctions" means the range of penalties which the
university may invoke in cases of student delinquent
financial obligations.

"Student" means every person who is or was enrolled
full-time or part-time in any program or activity at
the university except those persons who have employment
status at the university under the board or civil
service appointment procedures.

"University" means the several institutions,
collectively or individually, which fall under the
jurisdiction of the board of regents of the University
of Hawaii. Any of the provisions in this chapter which
affect the standing of a student at any one campus also
affect standing or potential standing at all other
campuses of the University of Hawaii.

The use of the masculine shall include the
feminine, and the singular shall include the plural
where appropriate. [Eff. JUN 22 1981 ] (Auth: HRS
§304-4) (Imp: HRS §304-4)
§20-10-4 Categories of delinquent financial obligations. A delinquent financial obligation shall be deemed to exist when any of the following events occur, provided that notice of the financial obligations has been made known to the student excepting those contracts which explicitly state that such notice is not required.

(a) Payment of contractual obligation is overdue. These obligations shall include but not necessarily be limited to:

1. Loan payments;
2. Payments on promissory notes;
3. Payments for tuition or other mandatory fees, or both;
4. Payments for rent—these include dormitory or university student housing rents, including board payments, if required or contracted for, rental of facilities and equipment for which the individual acted for himself or as an agent for a registered campus organization, etc.

(b) Payment of fines or service charges which have been properly assessed are overdue. Such fines and charges include but are not necessarily limited to:

1. Library fines;
2. Parking and traffic fines;
3. Service charges for dishonored checks;
4. Other non-tuitional charges.

(c) Payment for restitution of unreturned, lost, damaged or misused university property is overdue though the charges were properly prepared and dispatched to the responsible individual. Such charges include but are not necessarily limited to laboratory losses or breakage, locker keys, dormitory keys, library books, destruction or damaging of property, etc. [Eff. JUN 22 1991] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-10-5 Notification of delinquent financial obligation. (a) When any payment on an outstanding financial obligation is overdue, and the department concerned has made reasonable efforts to collect it, the department shall forward the bill to the applicable business office.

(b) If the amount of the outstanding financial obligation is $25 or more, the business office shall dispatch by registered or certified mail with return receipt, a letter to the last known address of the individual. The rights of the university to collect outstanding financial obligations and to apply any sanctions listed under section 20-10-2 are not waived by the failure of the student to receive said mail.
The letter shall include a copy of the bill and the following information:

(1) The sanctions the university may impose if the obligation is not paid or arrangements acceptable to the university are not made within ten days from date of notice.

(2) Notice that any person who deems an alleged financial obligation to have been improperly assessed or who deems a sanction imposed is excessive or unfair may appeal for a hearing.

(3) The place where copies of the applicable appeals procedure and form requesting a hearing may be obtained, there being a separate appeals procedure for parking and traffic violations, on several campuses.

(4) Warning that in addition to all other sanctions, the university may seek redress under the law, and may turn the obligation over to a collection agency.

(c) Prior to each registration, the business office shall direct the office which distributes registration materials to individual students to withhold such materials from students with delinquent financial obligations. Students requesting withheld material shall be given the financial obligation statement and shall be directed to the appropriate business office. The business office shall inform the student of the nature and amount of the financial obligation and provide the student with the following information:

(1) The sanctions the university may impose if the obligation is not paid or arrangements acceptable to the university are not made.

(2) If the student requests, the business office shall provide the student with a copy of the applicable appeals procedure and form requesting a hearing.

(3) If the student settles the delinquent financial obligation to the satisfaction of the business office, or if the student files the appropriate form requesting a hearing, the business office shall direct the office which distributes registration materials to release that student's registration materials.


§20-10-6 Application of the sanctions. (a) Cancellation of registration during the semester or academic session shall be imposed as a sanction provided no properly filed appeal is in process.

(1) When tuition and mandatory fee payments are
§20-10-8

(2) When sanctions have been withheld at the beginning of a semester or session pending the outcome of an appeals hearing but for which subsequently the charges are determined by the hearing officer to be fair and equitable and which charges remain unpaid or for which arrangements acceptable to the university have not been made.

(b) Denial of further registration may be imposed as a sanction in all other cases of delinquent financial obligation which occurred prior to registration and for which no appeal has been filed.

(c) Denial of records, grades, diplomas, etc., may be imposed as a sanction in all cases and at such time as the individual's name is listed on the official record of those who have delinquent financial obligations in the business office. These sanctions shall remain in force during the appeals process.

(d) A sanction imposed under these rules and regulations at any campus of the University of Hawaii shall apply to all other campuses of the university. [Eff. JUN 22 1981] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-10-7 Hearing officers. (a) The provost or chancellor of each campus as appropriate shall appoint a hearing officer to hear appeals under these rules, except as provided in (b). In any case that does or could present a conflict of interest, the provost or chancellor shall appoint a substitute hearing officer for that case, except as provided in (b).

(b) For those campuses for which the board of regents has adopted rules governing parking and operation of motor vehicles, the appeals procedure and appointment procedure for hearing officers and final board of appeals as contained within said rules remain in effect. [Eff. JUN 22 1981] (Auth: HRS §304-4, 304-2) (Imp: HRS §304-4)

§20-10-8 Contested cases. (a) Contested cases involving parking and traffic matters shall be resolved under the procedures provided in the parking and traffic rules in force at the campus concerned. See chapter 12 of this title.

(b) Other contested cases.

(1) Any person who deems an alleged financial obligation (other than an obligation involving parking and traffic matters) to have been improperly assessed or who deems that a
sanction imposed under these rules is excessive or unfair may appeal the case to the hearing officer within ten days of official notification of assessment of the obligation. The hearing officer shall hear the case and render a decision within twenty days after receiving the "Request for Hearing on Financial Obligation" form.

(2) All hearings under these rules shall be informal in nature. Either side may be represented by counsel of its choice and at its own expense and may summon such witnesses as it may desire. The findings of the hearing officer shall be confined to the facts and equities of the case. Any disputed matters of law shall be referred to the attorney general, whose opinion on such matters will be final within the university. The person requesting the hearing need not be present at the hearing. He evidence and arguments may be presented in writing.

(3) The hearing officer shall make a finding in each case as to whether the alleged financial obligation exists and both parties shall be bound by the finding within the university.

(4) The hearing officer, except as provided in (d) may also confirm, modify, or cancel any sanctions imposed under these rules, taking into consideration such matters of extenuation and experience as seem appropriate. All findings of the hearing officer shall be in writing and shall be effective upon submission. Hearing officers' decisions shall be final within the university.

(c) The chancellor or provost of the campus concerned may extend the time for both appeal and decision for good reasons, provided that no sanction in an appealed case shall be effective until after the hearing officer's decision is rendered, except as provided in section 20-10-6(c).

(d) If the hearing officer finds that a delinquency of a tuitional or mandatory fee charge exists, the hearing officer shall direct the cancellation of registration by the dates and times outlined in any approved deferred tuition program. If the delinquency of a tuitional or mandatory fee charge exists for any previous registration, the hearing officer shall direct the denial of further registration. In both cases additional sanctions may be directed.

§20-10-9 Time limitations. No entitlement to
§20-10-10

grades, credits or courses completed for any academic period in which a delinquent financial obligation for tuition or mandatory fees, or both, was incurred and which has never been satisfactorily resolved is conferred by the passing of the statute of limitations applicable to the claim of the university arising from the delinquent financial obligation. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp: HRS §304-4)

§20-10-10 Implementation. (a) The president or a designee may issue such guidelines as may be appropriate to implement or mitigate these regulations on a campus-by-campus basis.

(b) Wherever a specific office is referred to, such reference shall apply to the successor in office, or such office as may assume the functions of the office referred to. In case of dispute, the president or his designee shall determine the successor office.

(c) Such charges, fees, and fines as are in effect as of the date of the approval of these rules are confirmed. The president or a designee may establish, modify, or cancel such fees and fines as deem appropriate with the exception of such fees or fines as may be established by law or by actions of the board of regents. [Eff. JUN 22 1981 ] (Auth: HRS §304-4) (Imp: HRS §304-4)
§20-11-1 Rental and parking rates at the University of Hawaii at Manoa

§20-11-1 Rental and parking rates at the University of Hawaii at Manoa. Rental and parking rates for UH/Moana faculty housing shall be as reflected in "Faculty Housing Rental and Parking Rates for UH/Manoa (5/20/81)" which is made a part hereof and located at the end of this chapter. [Eff. JUN 22 1981 ]

Historical Note: Section 20-11-1 is based substantially upon §20-9-15, Administrative Rules. [Eff. 8/30/80; R JUN 22 1981 ]
FACULTY HOUSING RENTAL AND PARKING RATES FOR UH/MANOA (5/20/80)

Effective September 1, 1980

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A. APARTMENTS

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B. PARKING

| Per Unit | $ 15.00 |

Amended 12/31/81
(just n/19/81 schedule)
UNIVERSITY OF HAWAII

Repeal of Chapter 20-11
Hawaii Administrative Rules

(May 19, 1989)

Summary

Chapter 20-11 entitled "Faculty Housing" is repealed.
TITLE 20
UNIVERSITY OF HAWAII

CHAPTER 11
FACULTY HOUSING
Repealed

§20-11-1 REPEALED. [R JUL 03 1989]
UNIVERSITY OF HAWAII

The repeal of chapter 20-11, Hawaii Administrative Rules, on the Summary Page dated May 19, 1989, was adopted on May 19, 1989, following a public hearing held on April 13, 1989, after public notice was given in the Honolulu Advertiser on March 9, 1989.

The repeal shall take effect ten days after filing with the Office of the Lieutenant Governor.

GLADYS A. BRANDT
Chairperson, Board of Regents
University of Hawaii

JOHN D. WAIHEE
Governor
State of Hawaii
Dated: JUN-7 1989

APPROVED AS TO FORM:

Hailet Yoshida Lewis
Deputy Attorney General

Filed
Rules Amending Title 20, Administrative Rules  
(11/19/81)  

SUMMARY  

1. §20-11-1, §20-18-1 and §20-18-2 are amended.  
§20-11-1 Rental and parking rates at the University of Hawaii at Manoa. Rental and parking rates for UH/Manoa faculty housing shall be as reflected in "Faculty Housing Rental and Parking Rates for UH/Manoa (11/19/81)" which is made a part hereof and located at the end of this chapter. [Eff. 6/22/81; am DEC 31, 1983] Auth: HRS §§304-2, 304-4, 306-2, 306-9] (Imp: HRS §§304-2, 304-4, 306-9)
FACULTY HOUSING RENTAL AND PARKING RATES FOR UH/MANOA
(11/19/81)

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TITLE 20
UNIVERSITY OF HAWAII
CHAPTER 12
PARKING AND OPERATION OF MOTOR VEHICLES

Subchapter 1 University of Hawaii at Manoa

§20-12-1 Statement of purpose
§20-12-2 Definitions
§20-12-3 Delegation of authority
§20-12-4 Map of parking areas
§20-12-5 Application procedure
§20-12-6 Chancellor's authority and priorities
§20-12-7 General rules
§20-12-8 Parking permits, fees and areas
§20-12-9 Violations and penalties
§20-12-10 Hearing procedure

Subchapter 2 University of Hawaii at Hilo

§20-12-11 Statement of purpose
§20-12-12 Definitions
§20-12-13 Delegation of authority
§20-12-14 Map of parking areas
§20-12-15 Parking permits
§20-12-16 The provost's authority
§20-12-17 General rules
§20-12-18 Violations and penalties
§20-12-19 Appeals

Subchapter 3 Honolulu Community College

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§20-12-21 Definitions
§20-12-22 Delegation of authority
§20-12-23 Map of parking areas
§20-12-24 Application procedure
§20-12-25 Provost's authority and priorities
§20-12-26 General rules
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§20-12-28 Violations and penalties
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Subchapter 4 Kapiolani Community College

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§20-12-32 Definitions
§20-12-33 Delegation of authority
§20-12-34 Map of parking areas
§20-12-35 Application procedure
§20-12-36 Provost's authority and priorities
§20-12-37 General rules
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§20-12-40 Appeals
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Subchapter 5  Leeward Community College

§20-12-42 Statement of purpose
§20-12-43 Definitions
§20-12-44 Delegation of authority
§20-12-45 Map of parking areas
§20-12-46 Application procedure
§20-12-47 Provost's authority and priorities
§20-12-48 General rules
§20-12-49 Parking fees schedule
§20-12-50 Violations and penalties
§20-12-51 Hearing procedure

Subchapter 6  Kauai Community College

§20-12-52 Statement of purpose
§20-12-53 Definitions
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§20-12-58 General rules
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Subchapter 7  Maui Community College

§20-12-62 Statement of purpose
§20-12-63 Definitions
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SUBCHAPTER 1

UNIVERSITY OF HAWAII AT MANOA

12-2
§20-12-1 Statement of purpose. The purpose of these rules is to reduce traffic congestion and provide for orderly parking at the campus. These rules are intended for personal convenience and safety and for the general welfare of the university community. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: §§308-1, 308-3, 306-9)

§20-12-2 Definitions. As used in this subchapter:

"Board" refers to the board of regents of the University of Hawaii.

"Campus" refers to all lands owned by the university or occupied by the East West Center at the Manoa campus.

"Chancellor" refers to the chancellor of the University of Hawaii at Manoa and shall include authorized subordinates, including particularly the vice chancellor or other entitled executive officer for the university at Manoa upon the appointment of such officer.

"Employees" refers to and shall include the faculty, staff and line members employed at the university and East West Center and in the central administration of the university system and employees of the University of Hawaii Federal Credit Union and employees of contractors and lessees with the University of Hawaii unless said employees' contracts prohibit on-campus parking.

"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters and motorcycles.

"Parking board" refers to the parking board of review.

"Student" refers to any full-time or part-time student enrolled at the university.

"University" refers to the University of Hawaii at Manoa and shall include the East West Center. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: §§308-1)

§20-12-3 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the university to the chancellor. The board may engage a private traffic program or a portion thereof at the campus. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4,
§20-12-4 Map of parking areas. The map of the parking areas of the campus shall be kept at the office of auxiliary services, auxiliary services building, or at such office as the chancellor designates. The chancellor may change the assignment of zones and allowable times for parking in zones allocated to employees, students or others, based on availability and demand, without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that the chancellor shall announce in advance by appropriate media the intent to make any such change which may directly affect either students or employees, so that both said groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change. Such changes shall be recorded on the map. [Eff. 06 22 89] (Auth: HRS §§308-1, 304-4, 306-2) (Imp. §308-1)

§20-12-5 Application procedure. (a) Application for parking permits. Any employee or student seeking a parking permit shall obtain an application form from the traffic desk, auxiliary services building, or at a place designated by the chancellor. The information requested in the application form must be completed fully and accurately or it shall be rejected. Employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate and current valid vehicle safety check. All applicants, except those applying for motorcycle and motor scooter permits, shall be required to show proof that liability insurance is maintained on their vehicle before a permit is issued. Minimum coverage of said insurance shall be as required by chapter 294, HRS.

(b) When and where to get permits. Permits will be sold at times and places designated by the chancellor or a designee, provided that the chancellor shall announce in advance by appropriate media the intent to make a change in such timing or location which may directly affect either students or employees, so that both said groups or their representatives shall have opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change.

(c) Only one permit shall be sold to each applicant and such permit shall not be transferable except as otherwise provided.

(d) Permit fees may be refunded in accordance with
policy as established by the chancellor. [Eff. JUN 22 1961] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: §308-1, 294-10)

§20-12-6 Chancellor's authority and priorities.
The chancellor shall have authority to:
(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;
(2) Provide loading zone areas;
(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped employees and students;
(4) Establish priorities in issuing permits to employees and students;
(5) Issue special permits to certain employees whenever the performance of their position depends upon it;
(6) Install traffic and parking control signs; and
(7) Do such other things necessary to control traffic and parking. [Eff. JUN 22 1961] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: §308-1)

§20-12-7 General rules. (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.
(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.
(c) Signs. All officially posted signs regarding traffic and parking control must be observed.
(d) Access and parking areas.
(1) Access. Access to the campus shall be permitted only upon showing or displaying proper permits except in hourly and daily parking zones. Motor vehicles making excessive noise may be denied access to the campus.
(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the office of auxiliary services or at a place designated by the chancellor.
(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the university in lieu of payment of any unpaid fines or removal and storage charges incurred against the vehicle as a result of its operation or parking on the university campus.

If the motor vehicle so removed is unclaimed for thirty days, the university shall thereafter sell the motor vehicle at a public auction. The university shall pay all costs of removal and storage and other costs
connected with such sale out of the university parking revolving fund. The fund shall be reimbursed for such costs, as well as for any unpaid fines from the proceeds for such sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after notice, such proceeds shall be deposited in the university parking revolving fund.

(f) Display of stickers. Upon properly filing an application form and payment of a proper fee pursuant to sections 20-12-5 and 20-12-8, an applicant shall receive identification stickers which shall be affixed on the left front and rear bumpers, on the driver's side of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the chancellor as deemed necessary. Failure to properly display identification stickers as indicated here is a violation and may subject the violator to a fine, removal of the vehicle, disciplinary action, or any combination thereof.

(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that quarter of the college of continuing education and community services for which it is issued. Students without twenty-four hour permits who are enrolled in regular semester or summer session day-time programs may be allowed to purchase evening only permits for parking in zones designated by the chancellor.

(h) A permit shall be valid only in the zone designated except that after four p.m., daily, permit holders having semester or summer permits may be allowed to park in zones designated by the chancellor.

(i) The university shall not issue excessive parking permits in relation to the number of spaces available. The chancellor may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.

(j) Persons servicing the university may be allowed access to the campus without paying fees.

(k) Employees and their families living on the campus shall be provided permits at no cost except that they shall park only in the designated area adjacent to their dwellings.

(l) Persons parking in hourly or daily pay zones as designated by the chancellor shall pay the rate as established in section 20-12-8.

(m) Enforcement. These rules shall be enforced by persons authorized by the board or by the chancellor to
§20-12-8 Parking permits, fees and areas. (a) Fees for regular parking permits and for hourly or daily parking shall be as reflected in "Regular Parking Fees for UH/Manoa (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Other fees.

(1) The chancellor may set fees for other periods of time not covered under these rules without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that said fees do not exceed the maximum established in "Regular Parking Fees for UH/Manoa (5/20/81)" and provided that the chancellor shall announce in advance by appropriate media the intent to set such fees which setting may directly affect either students or employees, so that both said groups or their representatives shall have opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said fees.

(2) For applicants who expect to drive two or more motor vehicles or who participate in a car pool, multi-car or pool permits may be issued for an additional charge of $1 per semester or per summer session per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus in a permit zone.

(3) The chancellor may establish service fees not to exceed $2 per semester or per summer session.

(4) The chancellor may establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc., without the necessity of public hearing. [Eff. Jul 22 83]

(Auth: HRS §§308-1, 304-4, 306-2) (Imp: §§306-9, 308-1)

§20-12-9 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for UH/Manoa (5/20/81)" which is made a part hereof and located at the end of this chapter.
§20-12-9

(b) Violators shall be subject to a fine, removal of vehicle, or disciplinary action, or revocation or suspension of permit, or all of the foregoing.

(c) Additional penalties may be imposed if the fine is not paid or contested within seven days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Manoa (5/20/81)". In computing this period of time, the day of the alleged violation shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. Saturdays, Sundays and holidays shall be counted in computing seven days.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant or the registered owner of the motor vehicle, or both, shall be subject to the applicable penalties described in (a), (b) and (c) of this section, except in the case of a moving violation in which case the driver shall be subject to said applicable penalties.

(f) All fines shall be paid at the traffic desk, auxiliary services building, or some other office as the chancellor designates. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2) (Imp. §§308-1, 308-3)

§20-12-10 Hearing procedure. (a) Each person receiving a citation is entitled to a formal hearing on the citation. Requests for formal hearings must be submitted in writing within seven days after issuance of the citation on a form to be provided by the university. Such forms shall be made available at the traffic desk, auxiliary services building, or at any other office as the chancellor designates.

(b) The following rules of practice on parking and traffic matters including both formal and informal procedures are adopted:

(1) Informal procedures. Persons who believe that they have received a parking or traffic citation or notice of citation in error or whose vehicle was towed away by the university may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the university's parking and traffic program within seven days of the issuance of the citation or notice or of the removal of a vehicle. Such managers may waive said period for good cause shown. Such managers may void citations, waive towing and storage charges.
and reduce the fine imposed upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued or that the person did not know of said citations or notice so as to contest them within seven days of issuance.

(2) Formal procedures. A person requesting a hearing on a parking or traffic citation in accordance with (a) of this section shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of:

(A) The date, time, place and nature of hearing.
(B) The legal authority under which the hearing is to be held.
(C) The particular sections of the statutes and rules involved.
(D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof.
(E) The fact that any party may retain counsel if so desired.

Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

The hearing shall be conducted either by a hearing officer appointed by the parking board, or by the parking board itself. If it is the hearing officer who hears and examines all the evidence, the hearing officer shall submit findings of fact and conclusions of law to the parking board and to the party. The party may file written exceptions and present arguments to the parking board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.

In the event a party does not appear at the date, time and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter.
Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the parking board or the hearing officer may direct payment of all or a portion of the fine or charge.

(c) The parking board shall be composed of a student, a faculty member and a staff member appointed by the chancellor. The decision of the parking board shall be final within the university.

(d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the chancellor of the University of Hawaii stating the specific question, submittal or request. Communications to the chancellor shall be addressed to the "Office of the Chancellor at Manoa, University of Hawaii, 2500 Campus Road, Honolulu, Hawaii 96822."

(e) Petitions for the adoption, amendment, or repeal of rules shall be in the form of a letter to the chancellor of the University of Hawaii stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The chancellor may confer with appropriate administrative or legal staff, or both. The chancellor shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The chancellor may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.

(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule under this subchapter shall be in the form of a letter to the chancellor of the University of Hawaii stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The chancellor may confer with appropriate administrative or legal staff, or both, and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: §§308-1)
§20-12-11  Statement of purpose. The purpose of these rules is to reduce traffic congestion and provide for orderly parking at the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the general public. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2)  (Imp: HRS §§308-1, 308-3, 306-9)

§20-12-12  Definitions. As used in this subchapter:
"Board" refers to the board or regents.
"Campus" refers to all lands owned by the University of Hawaii at the Hilo Campus.
"Employees" refers to and shall include the faculty, staff, and line members employed at the university.
"Motor vehicle" shall include but not be limited to trucks, automobiles, motor scooters, and motorcycles.
"Provost" refers to the provost of the University of Hawaii Hilo Campus and includes authorized delegates.
"Student" refers to any full-time or part-time student enrolled at the university.
"University" refers to the University of Hawaii Hilo Campus and includes all university organizations located thereupon. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2)  (Imps: HRS §308-1)

§20-12-13  Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the university to the provost. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2)  (Imp: HRS §308-1)

§20-12-14  Map of parking areas. The map of the parking areas of the campus shall be kept at the office of the provost. The provost may change the assignment of zones allocated to employees, students, or others, based on availability and demand. Such changes shall be recorded on the map, and notice given to others. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2)  (Imp: HRS §308-1)

§20-12-16 The provost's authority. The provost shall have authority to:

(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;
(2) Provide loading zones;
(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped employees and students;
(4) Establish priorities in issuing permits to employees and students;
(5) Issue special permits to certain employees whenever the performance of their position warrants it;
(6) Install traffic control signs; and
(7) Do such other things necessary to control traffic and parking.


§20-12-17 General rules. (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.

(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.

(c) Signs. All official signs regarding parking and traffic must be observed.

(d) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the office of the provost.

(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the university in lieu of payment of any unpaid fines or removal and storage charges against the vehicle incurred as a result of its operation or parking on the campus.

If the motor vehicle so removed is unclaimed for thirty days, the university may thereafter sell the vehicle at public auction. The university shall pay all costs of removal and storage and other costs connected with such sale out of the university revolving parking fund. The fund shall be reimbursed for such costs, as well as for any unpaid fines from the proceeds of the sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner within sixty days after notice, such proceeds shall be deposited in the
§20-12-18 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for UH/Hilo (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine or disciplinary action, or both.

(c) All fines shall be paid at the business office. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §§308-1, 308-3)

§20-12-19 Appeals. (a) The provost shall appoint a traffic review board, composed of one each of the following: student, faculty member and staff member.

(b) Any person cited for violation may appeal to the traffic review board. The appeal must be submitted in writing to the office of the provost, from which the appeal shall be forwarded to the review board. Decisions on citations shall be final.

(c) Any person may appeal implementation of these rules. The appeal must be submitted in writing to the office of the provost, from which the appeal shall be forwarded to the traffic review board. Decisions of the board on implementation shall be advisory to the provost. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1)

SUBCHAPTER 3

HONOLULU COMMUNITY COLLEGE

Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Honolulu Community College Campus" promulgated by the University of Hawaii board of regents. [Eff. 7/11/68; R JUN 22 1981]
§20-12-20 Statement of purpose. The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)

§20-12-21 Definitions. As used in this subchapter: "Board" refers to the board of regents. "Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Honolulu Community College. "College" refers to the Honolulu Community College. "Employees" refer to and shall include the faculty, staff, and line members employed at the college. "Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles. "Provost" refers to the provost of the Honolulu Community College and shall include authorized subordinates. "Student" refers to any full-time or part-time student enrolled at the college. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)

§20-12-22 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)

§20-12-23 Map of parking areas. The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)

§20-12-24 Application procedure. (a) Application for parking permits. An employee or student seeking a
parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Only employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall be required to show proof that liability insurance is maintained on their vehicle before a permit is issued—minimum coverage of said insurance to be in the amount of $25,000 for all damages arising out of accidental harm sustained by any one person as a result of any one accident, and $10,000 for property damage. 

(b) When to get permits. Application for permits by employees shall be received no earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received. Applicants will not be accommodated unless and until there is space available.

(c) Only one permit shall be issued to each applicant and such permit shall not be transferable, except as otherwise approved by the provost.

(d) Permit fees shall not be refunded unless authorized by the vice president for community colleges.  [Eff. JUN 22 1981]  (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2)  (Imp: HRS §§308-1, 294-10)

§20-12-25 Provost's authority and priorities. The provost shall have authority to:

(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;

(2) Provide loading zone areas;

(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped employees and students;

(4) Establish priorities in issuing permits to employees and students;

(5) Issue special permits to certain employees whenever the performance of their position depends upon it;

(6) Install traffic control signs; and

(7) Do such other things necessary or desirable to control traffic and parking.

§20-12-26 General rules. (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.

(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.

(c) Signs. All official signs regarding traffic control must be observed.

(d) Access and parking areas.

(1) Access. Auto access to the campus shall be authorized only for vehicles showing or displaying proper permits. Motor vehicles making excessive noise may be denied access to the campus.

(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.

(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall thereafter sell the motor vehicle at a public auction. The university shall pay all costs of removal and storage and other costs connected with such sale out of the university parking revolving fund. The fund shall be reimbursed for such costs, as well as for any unpaid fines from the proceeds of such sale and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.

(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-24 and 20-12-27 of these rules, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.

Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.

(g) A semester permit shall be valid until the
beginning of the next semester or summer session whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that quarter or semester for which it is issued. 

(h) A permit shall be valid only in the zone designated except that after four p.m. daily, employees having semester permits will be allowed to park in any zone designated for employees. 

(i) The college shall issue parking permits in reasonable relation to the number of spaces available. The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.

(j) Persons servicing the college may be allowed access to the campus without paying fees.

(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to man gates and issue citations.

(l) Persons parking in hourly pay zones shall pay the rate as established in section 20-12-27.

(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.

(n) Each such owner and operator of a motor vehicle parked or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.


§20-12-27 Parking fees schedule. (a) Fees for regular parking permits and hourly parking will be set from time to time by the board at rates not exceeding the schedule set out in "Regular Parking Fees for the Honolulu Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Other fees.

(1) Multi-car or pool permits may be issued to applicants who expect to drive two more motor vehicles or participate in a car pool for an additional charge of $1 per semester or per summer session per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.

(2) As necessary and from time to time, the
§20-12-27

provost is authorized to establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc.

(c) Should the board consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Honolulu Community College Campus (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the board's approval shall apply. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)

§20-12-28 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Honolulu Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.

(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not paid within seven days after the issuance of the citation as indicated in the schedule of penalties or if paid later than fifteen days after the date of issuance of the citation.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant, or the registered owner, or the driver of the motor vehicle, or any combination of them, shall be liable for any fines for violation of these rules.

(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§308-1, 308-3)

§20-12-29 Appeals. Any person may appeal a citation within thirty calendar days after its issuance. Appeals must be submitted in writing on a form to be provided by the college. Such forms shall be made available at the business office, administration building, or any other office as the provost designates. To have an appeal reviewed, the appellant must also pay the fine imposed as provided in section 20-12-28.

All appeals shall initially be reviewed by an officer to be designated by the provost. If the
decision is adverse to the appellant, a further appeal to the board of appeals may be made. The board of appeals shall be composed of a student, a faculty member, and a staff member, all to be appointed by the provost. The decision of the board of appeals shall be final within the college.

If the appeal is upheld, the amount of fine collected shall be refunded. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-30 Administrative procedures. (a) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Honolulu Community College stating the specific question, submittal or request.

(b) The following rules of practice on parking and traffic matters, including both formal and informal procedures, are adopted:

(1) Informal procedures. Persons who feel that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the college's parking and traffic program. Such managers may void citations or waive towing and storage charges, or both, upon review of the facts of each case.

(2) Formal procedures. Persons appealing a traffic citation or towing and storage charges shall file said appeal on an appeal form available at the administration or other designated office, if any, where said forms are available. Reasons for the appeal shall be set forth in writing and the fine imposed by the citation(s) must be paid in order to have the appeal considered as provided for in this subchapter. Appellants whose appeals are upheld will be refunded all or any portion of the amount of the fine or fines paid as directed by the reviewing officer. Appellants will be notified of the reviewing officer's action by mailing to the address shown thereon a completed copy of the appeal form or by an attachment as deemed appropriate by the reviewing officer.

Persons whose appeals from parking and traffic citations are denied by the reviewing
officer may further appeal said citations to a board of appeals appointed by the provost and composed as prescribed in this subchapter. The appeal to said board must be filed at the administration or other designated office in writing within thirty days of the date shown on the reviewing officer's denial. The hearing shall be conducted pursuant to the provisions of chapter 91, HRS. A notification of date, time, and place of the hearing by the appeals board will be sent to the appellant on a notification form (available at the administration or other designated office). A decision of the appeals board shall require a majority vote of the entire board. In the event a member of the board is absent, a temporary member may be appointed by the provost or an authorized representative from the class of membership the absent member represents. Subsequent to the hearing, the appellant will be notified of the decision of the appeals board in writing. If the appeal is upheld, all or any portion of the fine paid shall be refunded as directed by the appeals board. In the event the appellant does not appear at the date, time, and place appointed for the review of the case, the board of appeals shall be entitled to deny the appellant a further hearing in the matter.

(c) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the president of the University of Hawaii stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The president may confer with appropriate administrative or legal staff, or both. The president shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The president may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.

(d) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule in this subchapter shall be in the form of a letter to the president of the University of Hawaii stating the interest of the petitioner in the matter, the reasons for requesting the ruling and the specific nature of the ruling being requested. The president may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff. JUN 22 1981 ]
§20-12-33

(Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

SUBCHAPTER 4

KAPIOLANI COMMUNITY COLLEGE

Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Kapiolani Community College" promulgated by the University of Hawaii board of regents. [Eff. 7/11/68; R JUN 22 1981 ]

§20-12-31 Statement of purpose. The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general. [Eff. JUN 22 1981 ]


§20-12-32 Definitions. As used in this subchapter:
"Board" refers to the board of regents.
"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Kapiolani Community College.
"College" refers to the Kapiolani Community College.
"Employees" refer to and shall include the faculty, staff, and line members employed at the college.
"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.
"Provost" refers to the provost of the Kapiolani Community College and shall include authorized subordinates.
"Student" refers to any full-time or part-time student enrolled at the college. [Eff. ]

(Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-33 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus. [Eff. JUN 22 1981 ]

(Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

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§20-12-34 Map of parking areas. The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map. [Eff. JUN 22 1991] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-35 Application procedure. (a) Application for parking permits. An employee or student seeking a parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Only employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall be required to show proof that liability insurance is maintained on their vehicle before a permit is issued—minimum coverage of said insurance to be in the amount of $25,000 for all damages arising out of accidental harm sustained by any one person as a result of any one accident, and $10,000 for property damage.

(b) When to get permits. Application for permits by employees shall be received no earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received. Applicants will not be accommodated unless and until there is space available.

(c) Only one permit shall be issued to each applicant and such permit shall not be transferable, except as otherwise approved by the provost.

(d) Permit fees shall not be refunded unless authorized by the vice president for community colleges. [Eff. JUN 22 1991] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1, 294-10)

§20-12-36 Provost's authority and priorities. The provost shall have authority to:

(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;
(2) Provide loading zone areas;
(3) Provide ample reserved stalls or establish

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priorities in issuing permit to handicapped employees and students;
(4) Establish priorities in issuing permits to employees and students;
(5) Issue special permits to certain employees whenever the performance of their position depends upon it;
(6) Install traffic control signs; and
(7) Do such other things necessary or desirable to control traffic and parking. [Eff. JUN 22 1931 ]

(Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-37 General rules. (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.
(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.
(c) Signs. All official signs regarding traffic control must be observed.
(d) Access and parking areas.
(1) Access. Auto access to the campus shall be authorized only for vehicles showing or displaying proper permits. Motor vehicles making excessive noise may be denied access to the campus.
(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.
(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall thereafter sell the motor vehicle at a public auction. The university shall pay all costs of removal and storage and other costs connected with such sale out of the university parking revolving fund. The fund shall be reimbursed for such costs, as well as for any unpaid fines from the proceeds of such sale and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.
§20-12-37

(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-35 and 20-12-36, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.

Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.

(g) A semester permit shall be valid until the beginning of the next semester or summer session whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that quarter or semester for which it is issued.

(h) A permit shall be valid only in the zone designated except that after four p.m. daily, employees having semester permits will be allowed to park in any zone designated for employees.

(i) The college shall issue parking permits in reasonable relation to the number of spaces available. The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.

(j) Persons servicing the college may be allowed access to the campus without paying fees.

(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to mane gates and issue citations.

(l) Persons parking in hourly pay zones shall pay the rate as established in section 20-12-38.

(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.

(n) Each such owner and operator of a motor vehicle parked or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.


§20-12-38 Parking fees schedule. (a) Fees for regular parking permits and hourly parking will be set
§20-12-39 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Kapiolani Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.

(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not paid within seven days after the issuance of the citation as indicated in the schedule of penalties or if paid later than fifteen days after the date of issuance of the citation.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant, or the registered owner, or the driver of the motor vehicle, or any combination of them shall be liable for any fines for violation of these rules.

(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates. [Eff. JUN 22 1981] (Auth: HRS 306-9, 308-1)
§20-12-40 Appeals. Any person may appeal a citation within thirty calendar days after its issuance. Appeals must be submitted in writing on a form to be provided by the college. Such forms shall be made available at the business office, administration building, or any other office as the provost designates.

To have an appeal reviewed, the appellant must also pay the fine imposed as provided in section 20-12-39.

All appeals shall initially be reviewed by an officer to be designated by the provost. If the decision is adverse to the appellant, a further appeal to the board of appeals may be made. The board of appeals shall be composed of a student, a faculty member, and a staff member, all to be appointed by the provost. The decision of the board of appeals shall be final within the college.

If the appeal is upheld, the amount of fine collected shall be refunded. [Eff: JUN 22 1989] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-41 Administrative procedures. (a) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Kapiolani Community College stating the specific question, submittal or request.

(b) The following rules of practice on parking and traffic matters, including both formal and informal procedures, are adopted:

(1) Informal procedures. Persons who feel that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the college's parking and traffic program. Such managers may void citations or waive towing and storage charges, or both, upon review of the facts of each case.

(2) Formal procedures. Persons appealing a traffic citation or towing and storage charges shall file said appeal on an appeal form available at the administration or other designated office, if any, where said forms are available. Reasons for the appeal shall
be set forth in writing and the fine imposed by the citation must be paid in order to have the appeal considered as provided for in this subchapter. Appellants whose appeals are upheld will be refunded all or any portion of the amount of the fine or fines paid as directed by the reviewing officer. Appellants will be notified of the reviewing officer's action by mailing to the address shown thereon a completed copy of the appeal form or by an attachment as deemed appropriate by the reviewing officer.

Persons whose appeals from parking and traffic citations are denied by the reviewing officer may further appeal said citations to a board of appeals appointed by the provost and composed as prescribed in this subchapter. The appeal to said board must be filed at the administration or other designated office in writing within thirty days of the date shown on the reviewing officer's denial. The hearing shall be conducted pursuant to the provisions of chapter 91, HRS. A notification of date, time, and place of the hearing by the appeals board will be sent to the appellant on a notification form (available at the administration or other designated office). A decision of the appeals board shall require a majority vote of the entire board. In the event a member of the board is absent, a temporary member thereof may be appointed by the provost or an authorized representative from the class of membership the absent member represents. Subsequent to the hearing, the appellant will be notified of the decision of the appeals board in writing. If the appeal is upheld, all or any portion of the fine paid shall be refunded as directed by the appeals board. In the event the appellant does not appear at the date, time, and place appointed for the review of the case, the board of appeals shall be entitled to deny the appellant a further hearing in the matter.

(c) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the president of the University of Hawaii stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The president may confer with appropriate administrative or legal staff, or both. The president shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with
section 91-3, HRS. The president may also initiate action on his own motion to adopt, amend or repeal rules pursuant to chapter 91, HRS.

(d) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule in this subchapter shall be in the form of a letter to the president of the University of Hawaii stating the interest of the petitioner in the matter, the reasons for requesting the ruling and the specific nature of the ruling being requested. The president may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1).

SUBCHAPTER 5
LEEWAED COMMUNITY COLLEGE

Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles on the Leeward Community College Campus" promulgated by the University of Hawaii board of regents. [Eff. 1/16/76; R JUN 22 1981 ]

§20-12-42 Statement of purpose. The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)

§20-12-43 Definitions. As used in this subchapter:
"Board" refers to the board of regents.
"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Leeward Community College.
"College" refers to the Leeward Community College.
"Employees" refer to and shall include the faculty, staff and line members employed at the college.
"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.
"President" refers to the president of the University of Hawaii and shall include designated representatives.
"Provost" refers to the provost of Leeward
Community College and shall include authorized subordinates.
"Student" refers to any full-time or part-time student enrolled at the college. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-44 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-45 Map of parking areas. The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-46 Application procedure. (a) Application for parking permits. An employee or student seeking a parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested on the application form must be completed fully and accurately or it shall be rejected. Only employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall be required to show proof that liability insurance is maintained in conformance with chapter 294, HRS.

(b) When to get permits. Application for permits by employees shall be received not earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received. Applicants will not be accommodated unless and until there is space available.

(c) Only one permit shall be issued to each
§20-12-46
applicant and such permit shall not be transferable, except as otherwise approved by the provost.
(d) Permit fees shall not be refunded unless
authorized by the provost. [Eff. JUN 22 1981] (Auth:
HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS
§308-1, 294-10)

§20-12-47 Provost's authority and priorities. The provost shall have authority to:
(1) Provide ample reserved stalls for motor vehicles owned and operated by the university.
(2) Provide loading zone areas;
(3) Provide ample reserved stalls or establish priorities in issuing permit to handicapped employees and students;
(4) Establish priorities in issuing permits to employees and students;
(5) Issue special permits to certain employees whenever the performance of their position depends upon it;
(6) Install traffic control signs; and
(7) Do such other things necessary or desirable to control traffic and parking. [Eff. JUN 22 1981]
(Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-48 General rules. (a) Areas of authority. These rules shall govern parking and operation of motor vehicles on the campus.
(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.
(c) Signs. All official signs regarding traffic control must be observed.
(d) Access and parking areas.
(1) Access. Auto access to the campus shall be authorized only for vehicles showing or displaying proper permits. Motor vehicles making excessive noise may be denied access to the campus.
(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.
(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall thereafter sell the motor

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vehicle at a public auction. The university shall pay costs of removal and storage and other costs connected with such sale costs, as well as for any unpaid fines from the proceeds of such sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.

(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-46 and 20-12-49, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.

Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.

(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evening of that quarter or semester for which it is issued.

(h) A permit shall be valid only in the zone designated except that after four p.m. daily, employees having semester permits will be allowed to park in any zone designated for employees.

(i) The college shall issue parking permits in reasonable relation to the number of spaces available. The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.

(j) Persons servicing the college may be allowed access to the campus without paying fees.

(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to man gates and issue citations.

(l) Persons parking in hourly pay zones shall pay the rate as established in section 20-12-49.

(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any
§20-12-48 contents therein.

(n) Each such owner and operator of a motor vehicle parked or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.


§20-12-49 Parking fees schedule. (a) Fees for regular parking permits will be set from time to time by the board, or if so delegated, by the president, at rates not exceeding the schedule set out in "Regular Parking Fees for the Leeward Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Other fees.

(1) Multi-car or pool permits may be issued to applicants who expect to drive two or more motor vehicles or participate in a car pool for an additional charge of $1 per semester or per summer session per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.

(2) As necessary and from time to time, the provost is authorized to establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc.

(c) Should the board consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Leeward Community College Campus (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the board's approval shall apply. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)

§20-12-50 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Leeward Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.

(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not
§20-12-51

paid within seven days after the issuance of the
citation as indicated in the schedule of penalties or if
paid later than fifteen days after the date of issuance
of the citation.

(d) Fines imposed shall be over and beyond removal
and storage charges, if any.

(e) The applicant or the registered owner or the
driver of the motor vehicle, or any combination of them,
shall be liable for any fines for violation of these
rules.

(f) All fines shall be paid at the business
office, administration building, or any other office as
the provost designates. [Eff. JUL 22 1981] (Auth: HRS
§§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS
§§308-1, 308-3)

§20-12-51 Hearing procedure. (a) Each person
receiving a citation is entitled to a hearing on the
citation. Requests for hearings must be submitted in
writing on a form to be provided by the college within
thirty days after issuance of the citation or notice of
the issuance of citation. Such forms shall be made
available at the office of the provost, or at any other
office as the provost designates.

(b) The following rules of practice on parking and
traffic matters include both formal and informal
procedures are adopted:

(1) Informal procedures. Persons who believe that
they have received a parking or traffic
citation in error or whose vehicle was towed
away by the college or who otherwise wish to
discuss parking and traffic problems may
discuss their complaint or problem in person
with the parking manager or other authorized
person designated to manage the college's
parking and traffic problems. Such managers
may void citations or waive towing and storage
charges upon review of the facts of each case
and upon a finding that the parking or traffic
citation was improperly issued.

(2) Formal procedures. A person requesting a
hearing on a parking or traffic citation in
accordance with subsection 20-12-51(a) shall
be afforded an opportunity for hearing after
reasonable notice as provided by chapter 91,
HRS. Essentially, that chapter provides as
follows: The notice shall include a statement
of the following:

(A) The date, time, place and nature of
hearing.

(B) The legal authority under which the
hearing is to be held.

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(C) The particular sections of the statutes and rules involved.

(D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support of it.

(E) The fact that any party may retain counsel if so desired.

Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

The hearing shall be conducted by a hearing officer appointed by the parking board of review. The hearing officer shall hear and examine all the evidence and shall submit findings of fact and conclusions of law to the board of review and to the party. The party may file written exceptions and present arguments to the board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.

In the event a party does not appear at the date, time, and place appointed for the hearing, either before the board or the hearing officer, another hearing on the matter may be denied.

Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the board or the hearing officer may direct payment of all or a portion of the fine or charges.

(c) The parking board of review shall be composed of a student, faculty member and a staff member appointed by the provost. The decision of the board of review shall be final within the college.

(d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Leeward Community College stating the specific question,
(e) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the provost of Leeward Community College stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The provost may confer with appropriate administrative staff or legal staff, or both. The provost shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The provost may also initiate action on his own motion to adopt, amend or repeal rules pursuant to chapter 91, HRS.

(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rules in this subchapter shall be in the form of a letter to the provost of Leeward Community College stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The provost may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff. JUN 22 1991 ]
(Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

SUBCHAPTER 6
KAUAI COMMUNITY COLLEGE

Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles on the Kauai Community College Campus" promulgated by the University of Hawaii board of regents. [Eff. 3/7/75; R JUN 22 1991 ]

§20-12-52 Statement of purpose. The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general. [Eff. JUN 22 1991 ]

§20-12-53 Definitions. As used in this subchapter: "Board" refers to the board of regents.
§20-12-53

"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Kauai Community College.

"College" refers to the Kauai Community College.

"Employees" refers to and shall include the faculty, staff and line members employed at the college.

"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.

"President" refers to the president of the University of Hawaii and shall include designated representatives.

"Provost" refers to the provost of Kauai Community College and shall include authorized subordinates.

"Student" refers to any full-time or part-time student enrolled at the college. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-54 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-55 Map of parking areas. The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map. [Eff. JUN 22 1981] (Auth: HRS §§305-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-56 Application procedure. (a) Application for parking permits. An employee or student seeking a parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Only employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall
be required to show proof that liability insurance is
maintained in conformance with chapter 294, HRS.
(b) When to get permits. Application for permits
by employees shall be received not earlier than one week
prior to the week of student registration or at a time
designated by the provost. Students shall apply for
permits during registration week or later. Parking
permits shall be issued in the order in which the
applications are received. Applicants will not be
accommodated unless and until there is space available.
(c) Only one permit shall be issued to each
applicant and such permit shall not be transferable,
except as otherwise approved by the provost.
(d) Permit fees shall not be refunded unless
authorized by the provost. [Eff. JUN 22 1981] (Auth:
HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS
§308-1, 294-10)

§20-12-57 Provost's authority and priorities. The
provost shall have authority to:
(1) Provide ample reserved stalls for motor
vehicles owned and operated by the university;
(2) Provide loading zone areas;
(3) Provide ample reserved stalls or establish
priorities in issuing permits to handicapped
employees and students;
(4) Establish priorities in issuing permits to
employees and students;
(5) Issue special permits to certain employees
whenever the performance of their position
depends upon it;
(6) Install traffic control signs; and
(7) Do such other things necessary or desirable to
control traffic and parking.
[Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §308-1)

§20-12-58 General rules. (a) Area of authority.
These rules shall govern parking and operation of motor
vehicles on the campus.
(b) Time. These rules shall be in effect
twenty-four hours daily throughout the entire year.
(c) Signs. All official signs regarding traffic
control must be observed.
(d) Access and parking areas.
(1) Access. Auto access to the campus shall be
authorized only for vehicles showing or
displaying proper permits. Motor vehicles
making excessive noise may be denied access to
the campus.
(2) Parking. Parking shall be permitted only in
areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.

(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines, and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall thereafter sell the motor vehicle at a public auction. The university shall pay costs of removal and storage and other costs connected with such sale costs, as well as for any unpaid fines from the proceeds of such sale and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.

(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-56 and 20-12-59, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.

Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.

(g) A semester permit shall be valid until the beginning of the next semester or summer session whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evening of that quarter or semester for which it is issued.

(h) A permit shall be valid only in the zone designated except that after four p.m. daily, employees having semester permits will be allowed to park in any zone designated for employees.

(i) The college shall issue parking permits in reasonable relation to the number of spaces available. The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.

(j) Persons servicing the college may be allowed
access to the campus without paying fees.

(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to manage and issue citations.

(1) Persons parking in hourly pay zones shall pay the rate as established in section 20-12-59.

(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.

(n) Each such owner and operator of a motor vehicle parking or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.


§20-12-59 Parking fees schedule. Maximum fees authorized by the board for regular parking permits shall be as set out in "Regular Parking Fees for the Kauai Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Other fees.

(1) Multi-car or pool permits may be issued to applicants who expect to drive two or more motor vehicles or participate in a car pool for an additional charge of $1 per semester or per summer session per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.

(2) As necessary and from time to time, the provost is authorized to establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc.

(c) Should the board consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Kauai Community College Campus (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the board's approval shall apply.


§20-12-60 Violations and penalties. (a) Violations other than corresponding penalties shall be as reflected in "Violations and Schedule of Penalties
for the Kauai Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.

(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not paid within seven days after the issuance of the citation as indicated in the schedule of penalties or if paid later than fifteen days after the date of issuance of the citation.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant or the registered owner or the driver of the motor vehicle, or any combination of them, shall be liable for any fines for violation of these rules.

(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates. [Eff. JUN 22 1984 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2)(Imp: HRS §§308-1, 308-3)

§20-12-61 Hearing procedure. (a) Each person receiving a citation is entitled to a hearing on the citation. Requests for hearings must be submitted in writing on a form to be provided by the college within thirty days after issuance of the citation or notice of the issuance of citation. Such forms shall be made available at the office of the provost, or at any other office as the provost designates.

(b) The following rules of practice on parking and traffic matters, including both formal and informal procedures are adopted:

1. Informal procedures. Persons who believe that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the college's parking and traffic problems. Such managers may void citations and waive towing and storage charges upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued.

2. Formal procedures. A person requesting a hearing on a parking or traffic citation in accordance with subsection 20-12-61(a) shall
be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of the following:

(A) The date, time, place and nature of hearing;

(B) The legal authority under which the hearing is to be held;

(C) The particular sections of the statutes and rules involved;

(D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof;

(E) The fact that any party may retain counsel if so desired.

Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

The hearing shall be conducted by a hearing officer appointed by the parking board of review. The hearing officer shall hear and examine all the evidence and shall submit findings of fact and conclusions of law to the board of review and to the party. The party may file written exceptions and present arguments to the board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.

In the event a party does not appear at the date, time, and place appointed for the hearing, either before the board or the hearing officer, another hearing on the matter may be denied.

Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the board or the hearing officer may direct payment of all or a portion
of the fine or charges.

(c) The parking board of review shall be composed of a student, a faculty member and a staff member appointed by the provost. The decision of the board of review shall be final within the college.

(d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Kauai Community College stating the specific question, submittals or request.

(e) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the provost of Kauai Community College stating with particularity the rules or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The provost may confer with appropriate administrative or legal staff, or both. The provost shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The provost may also initiate action on his own motion to adopt, amend or repeal rules pursuant to chapter 91, HRS.

(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule in this subchapter shall be in the form of a letter to the provost of Kauai Community College stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The provost may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff. JUN 22 1981] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

SUBCHAPTER 7

MAUI COMMUNITY COLLEGE

Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles on the Maui Community College Campus" promulgated by the University of Hawaii board of regents. [Eff. 9/8/69; R JUN 22 1981]

§20-12-62 Statement of purpose. The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and
§20-12-63 Definitions. As used in this subchapter:

"Board" refers to the board of regents, University of Hawaii.

"BOR personnel" refers to and shall include administrators and faculty employed at the college.

"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of Maui Community College, exclusive of the MCC dormitory.

"Classified employees" refer to all staff and line members (civil service) employed at the college.

"College" refers to Maui Community College.

"Committee" refers to the joint student-faculty affairs committee which is a body of three faculty appointed by the faculty senate and three students appointed by student senate.

"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.

"Provost" refers to the provost of Maui Community College and shall include authorized subordinates.

"Students" refer to any full-time or part-time student enrolled at the college. [Eff. JUN 22 1981]

§20-12-64 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The provost in turn delegates authority for setting parking policies and rules to the joint student-faculty affairs committee. [Eff. JUN 22 1981]

§20-12-65 Application procedures. (a) Application for parking permits. A BOR personnel, classified employee or student seeking a parking permit shall obtain an application form from the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Application for such permits must be made in person, and applicants shall be required to show their driver's license, vehicle registration certificate, and when appropriate, college registration receipt.

(b) When to get permits. Application for permits
§20-12-65

by BOR personnel or classified employees shall be received no earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received, except in certain circumstances.

(c) Only one permit shall be issued to each applicant and such permit shall not be transferable, except as otherwise approved by the provost.

(d) Permit fees shall not be refunded unless authorized by the provost. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-66 Provost's authority and priorities. The provost shall have authority to:

(1) Provide ample reserved stalls for motor vehicles owned or operated by the college;

(2) Provide loading zone areas and visitor areas;

(3) Provide ample reserved stalls or establish priorities in issuing permits to the handicapped, BOR personnel, and classified employees;

(4) Establish priorities in issuing permits to BOR personnel, classified employee, and students;

(5) Issue special permits to certain BOR personnel and classified employees whenever the performance of their position depends upon it;

(6) Install traffic control signs;

(7) Relax or modify the rules concerning parking spaces during such hours of the day or night as appears appropriate to the volume of traffic; and

(8) Do such other things necessary or desirable to control traffic and parking.


§20-12-67 General rules. (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.

(b) These rules shall be in effect twenty-four hours daily throughout the calendar year.

(c) Signs. All official signs regarding traffic control must be observed.

(d) Removal. Any motor vehicle may be removed at the expense of the owner if it is in repeated violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a
result of its operation or parking on the college
campus. If the motor vehicle so removed is unclaimed
for thirty days, the college shall thereafter sell the
motor vehicle at a public auction. The college shall
pay all costs of removal and storage and other costs
connected with such sale out of the college parking
revolving fund. The fund shall be reimbursed for such
sale and the remaining balance, if any, shall be paid to
the owner of the vehicle; provided that if the proceeds
of such sale are not claimed by the owner of the vehicle
within sixty days after the date notice thereof is
mailed to such owner at his last known address or at the
address appearing on the certificate of registration of
the vehicle, such proceeds shall belong to the college
and shall be deposited in the college parking revolving
fund.

(e) Display of stickers. Upon properly filing an
application form and payment of a proper fee, pursuant
to sections 20-12-66 and 20-12-69, an applicant shall
receive identification stickers which shall be affixed
on the left front and left rear bumpers of the
automobile or truck. For motorcycles and motor
scooters, it shall be affixed on the left handle bar.
The location where these stickers are to be placed may
be changed by the provost as deemed necessary.

Failure to properly display identification stickers
according to the foregoing is a violation and may
subject the violator to a fine, disciplinary action, or
both.

(f) A semester permit shall be valid until the
beginning of the next semester.

(g) Persons servicing the college may be allowed
access to the campus without paying fees.

(h) Enforcement. These rules shall be enforced by
persons authorized by the committee or by the provost to
issue citations.

(i) All owners and operators of motor vehicles
parked or operated on campus shall assume the risk of,
and the college shall not be responsible or liable for
any loss or damage occasioned by fire, theft, or other
casualty to motor vehicles or any contents therein.

(j) Each such owner and operator of a motor
vehicle parked or operated on campus shall indemnify and
save harmless the college from and against all claims,
demands, costs, and expenses whatsoever arising out of
or in connection with parking or operation of such motor
vehicle on campus. [Eff. JUN 22 1991] (Auth: HRS
§§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)
§20-12-68

out in "Regular Parking Fees for the Maui Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Other fees. Multi-car or pool permits may be issued to applicants who expect to drive two or more motor vehicles or participate in a car pool for an additional charge of fifty cents per semester per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.

(c) Should the committee consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Maui Community College (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the committee's approval shall apply. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)

§20-12-69 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Maui Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing. Disciplinary action may consist of reprimand, administrative probation and withholding permission to register.

(c) Fines shall be paid before thirty days from date of issuance of citation. After that time, disciplinary action will be taken in addition to the fines.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant or the registered owner or the driver of the motor vehicle or any combination of them, shall be liable for any fines for violation of these rules.

(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-70 Appeals. Any person may appeal a citation within thirty calendar days after its issuance. Appeals must be submitted in writing on a form to be provided by the college. Such forms shall be made available at the business office, administration
building, or any other office as the provost designates.

All appeals shall initially be reviewed by the college administrative officer who will arrange to have it considered by the appeals board. The appeals board shall consist of three students appointed by the student senate, three faculty appointed by the faculty senate, and one administrator appointed by the provost. This appeals board shall elect its own chairman. The decision of the appeals board shall be final within the college. If the appeal is upheld, the amount of the fine collected shall be refunded. [Eff. JUN 22 1981 ] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

§20-12-71 Administrative procedures. (a) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Maui Community College stating the specific question, submittal or request.

(b) The following rules of practice on parking and traffic matters, including both formal and informal procedures, are adopted:

(1) Informal procedures. Persons who feel that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the college administrative officer or other authorized person designated to manage the college's parking and traffic program. The administrative officer may void citations or waive towing and storage charges, or both, upon review of the facts of each case.

(2) Formal procedures. Persons appealing a traffic citation or towing and storage charges shall file said appeal on an appeal form available at the administration or other designated office, if any, where said forms are available. Reasons for the appeal shall be set forth in writing in order to have the appeal considered as provided in these rules. Appellants whose appeals are upheld will be refunded all of the amount of the fine or fines paid as directed by the reviewing officer. Appellants will be notified of the reviewing officer's action by mailing to the address shown on the appeal form a completed copy of the appeals form or by an attachment as deemed appropriate by the appeals board.

(c) Petition for the adoption, amendment or repeal
§20-12-71

of rules shall be in the form of a letter to the committee stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. [Eff. JUN 22 1981 ]

(Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)
REGULAR PARKING FEES FOR UH/MANOAA  
(5/20/81)

<table>
<thead>
<tr>
<th>(a) Parking Permits</th>
<th>Semester Fees</th>
<th>Summer Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Employee 24-hour permits</td>
<td>$55.00</td>
<td>$27.50</td>
</tr>
<tr>
<td>(2) The president, the chancellors and members of their immediate staffs, members of the council of deans, directors of major research organizations and their equivalents at East West Center may, upon application and payment of an additional fee in the amount of 50 per cent of the established fee, be provided with one reserved parking stall in a zone of their choice.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Student 24-hour permits—Structure or other areas as designated by the Chancellor</td>
<td>50.00</td>
<td>25.00</td>
</tr>
<tr>
<td>(4) Student 24-hour permits in quarry</td>
<td>18.00</td>
<td>8.00</td>
</tr>
<tr>
<td>(5) Motorcycle-Motor Scooter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Student 24-hour permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uncovered</td>
<td>5.00</td>
<td>2.50</td>
</tr>
<tr>
<td>Covered</td>
<td>10.00</td>
<td>5.00</td>
</tr>
<tr>
<td>b. Employee 24-hour permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uncovered</td>
<td>5.50</td>
<td>2.75</td>
</tr>
<tr>
<td>Covered</td>
<td>11.00</td>
<td>5.50</td>
</tr>
<tr>
<td>(6) Evening Only Permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Students</td>
<td>12.00 per quarter</td>
<td></td>
</tr>
<tr>
<td>b. Employees</td>
<td>13.25 per quarter</td>
<td></td>
</tr>
</tbody>
</table>

(b) Hourly or Daily Parking

Hourly or daily parking fees will be set by the chancellor at rates not to exceed the following:

(1) 75 cents per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked...
before daily kiosk opening must pay for the entire time
lapsed between daily opening of the lot and their
departure.

(2) $2 per day or any fraction thereof payable on
either entrance or exit in certain zones or areas
designated by the chancellor.

(3) The chancellor may establish the time periods at
which said fees change from hourly to daily or vice
versa.

(4) The chancellor may set or waive fees for parking
for special events or for handicapped persons.
<table>
<thead>
<tr>
<th>Violation</th>
<th>Fine</th>
<th>Fine If Not Paid Or Contested Within 7 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Parking in prohibited areas such as, but not limited to, the following: on grassed area, medial strips, sidewalks, driveways, crosswalks, in reserved or loading stalls, in &quot;No Parking&quot; areas or along curbs painted red (e.g., too close to intersection, in loading zones and driveway areas</td>
<td>$ 2.00</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>(2) Double parking, obstructing fire hydrant as indicated by red curb, or obstructing traffic</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(3) Driving on areas other than streets, roads, or parking areas</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>(4) Speeding over 20 mph</td>
<td>15.00</td>
<td>20.00</td>
</tr>
<tr>
<td>(5) Reckless driving</td>
<td>15.00</td>
<td>20.00</td>
</tr>
<tr>
<td>(6) Motor vehicles making excessive noise</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(7) Parking in wrong zone</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(8) Parking without a permit</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>(9) Failure to display sticker or displaying it at an improper place</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(10) Failure to pay hourly rate</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>(11) Parking more than one car on a pool or multi-car owner permit in permit zones</td>
<td>20.00</td>
<td>25.00</td>
</tr>
<tr>
<td>(12) Giving false information in filing application</td>
<td>10.00</td>
<td>15.00</td>
</tr>
<tr>
<td>(13) Use of a counterfeited, altered, defaced or illegally transferred permit</td>
<td>20.00</td>
<td>25.00</td>
</tr>
</tbody>
</table>
(14) Failure to heed directions of a duly authorized officer........ 20.00     25.00

(15) Failure to heed directions given on an official sign..........  2.00      5.00

(16) Damaging campus signs, parking gates or parking appurtenances..................  20.00     25.00
VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/HILO
(5/20/81)

(1) Parking in prohibited areas such as, but not limited to, the following: on grassed areas not marked for parking, outside of marked stalls, medial strips, sidewalks, driveways, crosswalks, in reserved or loading stalls, in "No Parking" areas, or along so marked curbs.................. $ 1.00

(2) Double parking, obstructing fire hydrants, obstructing traffic, or in other way creating a hazardous situation............. 2.00

(3) Moving violations, such as but not limited to the following: driving on areas other than roads, streets, or parking areas, failure to heed directions of a duly authorized officer; failure to heed directions given on an official sign........................................... 5.00

(4) Speeding over 20 mph on roads or 10 mph in parking lots.......................... 10.00

(5) Reckless driving..................................................... 10.00

(6) Motor vehicle making excessive noise............. 2.00

(7) All above fines are doubled if not paid within seven days.
## REGULAR PARKING FEES FOR THE HONOLULU COMMUNITY COLLEGE CAMPUS (5/20/81)

<table>
<thead>
<tr>
<th>Parking permits</th>
<th>Semester Fees</th>
<th>Summer Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Employees 24-hour permits</td>
<td>$25.00</td>
<td>$12.50</td>
</tr>
<tr>
<td>(2) Student 24-hour permits</td>
<td>25.00</td>
<td>12.50</td>
</tr>
<tr>
<td>(3) Motorcycle-Motor scooter 24-hour permits</td>
<td>2.50</td>
<td>1.25</td>
</tr>
<tr>
<td>(4) Evening only permits for employees and students</td>
<td>6.00 per quarter or 9.00 per semester</td>
<td></td>
</tr>
</tbody>
</table>

**Hourly parking.** Hourly parking fees may be set from time to time by the board of regents at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The provost has the authority to set or waive fees for parking in the case of special events.
VIOLATIONS AND SCHEDULE OF PENALTIES FOR THE
HONOLULU COMMUNITY COLLEGE CAMPUS
(5/20/81)

(1) Parking in prohibited
areas such as, but not
limited to, the following:
on grassed areas, medial
strips, sidewalks, in
reserved or loading stalls,
in "No Parking" areas, or
along curbs painted red
(e.g., too close to
intersection, in loading
zones and driveway areas). $ 2.00 $ 5.00

(2) Double parking,
obstructing fire hydrant
as indicated by red curb,
or obstructing traffic. 5.00 10.00

(3) Driving on areas other
than streets, roads, or
parking areas. 5.00 10.00

(4) Speeding over 15 miles per
hour or other posted limits. 10.00 15.00

(5) Reckless driving. 10.00 15.00

(6) Motor vehicles making
excessive noise. 2.00 5.00

(7) Parking in wrong zone. 2.00 5.00

(8) Parking without a permit. 2.00 5.00

(9) Failure to display sticker
or displaying it at an
improper place. 2.00 5.00

(10) Failure to pay hourly
rates. 5.00 10.00

(11) Parking more than one car
on a pool or multi-car
owner permit. 10.00 15.00

(12) Giving false information
in filling application. 10.00 15.00

(13) Use of a counterfeited,
altered, defaced or
illegally transferred
permit. 20.00 25.00

(14) Failure to heed directions
of a duly authorized
officer. 10.00 15.00

(15) Failure to heed directions
given on an official sign. 2.00 5.00
REGULAR PARKING FEES FOR THE
KAPIOLANI COMMUNITY COLLEGE CAMPUS
(5/20/81)

<table>
<thead>
<tr>
<th>(a) Parking permits</th>
<th>Semester Fees</th>
<th>Summer Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Employees 24-hour permits</td>
<td>$25.00</td>
<td>$12.50</td>
</tr>
<tr>
<td>(2) Student 24-hour permits</td>
<td>25.00</td>
<td>12.50</td>
</tr>
<tr>
<td>(3) Motorcycle-Motor scooter 24-hour permits</td>
<td>2.50</td>
<td>1.25</td>
</tr>
<tr>
<td>(4) Evening only permits for employees and students</td>
<td>6.00 per quarter</td>
<td>9.00 per semester</td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
</tr>
</tbody>
</table>

(b) Hourly parking. Hourly parking fees may be set from time to time by the board of regents at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for entire time elapsed between daily opening of the lot and their departure.

The provost has the authority to set or waive fees for parking in the case of special events.
<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Fine If Not Paid Within 7 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Parking in prohibited areas such as, but not limited to, the following: on grassed areas, medial strips, in &quot;No Parking&quot; areas, or along curbs painted red (e.g., too close to intersection, in loading zones and driveway areas).</td>
<td>$ 2.00 $ .500</td>
</tr>
<tr>
<td>(2) Double parking, obstructing fire hydrant as indicated by red curb, or obstructing traffic.</td>
<td>5.00 10.00</td>
</tr>
<tr>
<td>(3) Driving on areas other than streets, roads, or parking areas.</td>
<td>5.00 10.00</td>
</tr>
<tr>
<td>(4) Speeding over 15 miles per hour or other posted limits.</td>
<td>10.00 15.00</td>
</tr>
<tr>
<td>(5) Reckless driving.</td>
<td>10.00 15.00</td>
</tr>
<tr>
<td>(6) Motor vehicles making excessive noise.</td>
<td>2.00 5.00</td>
</tr>
<tr>
<td>(7) Parking in wrong zone.</td>
<td>2.00 5.00</td>
</tr>
<tr>
<td>(8) Parking without a permit.</td>
<td>2.00 5.00</td>
</tr>
<tr>
<td>(9) Failure to display sticker or displaying it at an improper place.</td>
<td>2.00 5.00</td>
</tr>
<tr>
<td>(10) Failure to pay hourly rate.</td>
<td>5.00 10.00</td>
</tr>
<tr>
<td>(11) Parking more than one car on a pool or multi-car owner permit.</td>
<td>10.00 15.00</td>
</tr>
<tr>
<td>(12) Giving false information in filling application.</td>
<td>10.00 15.00</td>
</tr>
<tr>
<td>(13) Use of a counterfeited, altered, defaced or illegally transferred permit.</td>
<td>20.00 25.00</td>
</tr>
<tr>
<td>(14) Failure to heed directions of a duly authorized officer.</td>
<td>10.00 15.00</td>
</tr>
<tr>
<td>(15) Failure to heed directions given on an official sign.</td>
<td>2.00 5.00</td>
</tr>
</tbody>
</table>
REGULAR PARKING FEES FOR THE LEEWARD COMMUNITY COLLEGE CAMPUS
(5/20/81)

(a) Parking permits

<table>
<thead>
<tr>
<th></th>
<th>Semester Fees</th>
<th>Summer Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Employees 24-hour permits</td>
<td>$25.00</td>
<td>$12.50</td>
</tr>
<tr>
<td>(2) Student 24-hour permits</td>
<td>25.00</td>
<td>12.50</td>
</tr>
<tr>
<td>(3) Motorcycle-Motor Scooter</td>
<td>2.50</td>
<td>1.25</td>
</tr>
<tr>
<td>24-hour permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Evening-only permits for employees and students</td>
<td>9.00 per semester</td>
<td></td>
</tr>
</tbody>
</table>

(b) Hourly parking. Hourly parking fees may be set from time to time by the board of regents, or if so delegated, by the president, at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The provost has the authority to set or waive fees for parking in the case of special events.
VIOLATIONS AND SCHEDULE OF PENALTIES FOR THE
LEEWARD COMMUNITY COLLEGE CAMPUS
(5/20/81)

Fine if not
Paid Within
7 Days

(1) Parking in prohibited
areas such as, but not
limited to, the following:
on grassed areas, medial
strips, sidewalks, in
reserved or loading stalls,
in "No Parking" areas, or
along curbs painted red
(e.g., too close to
intersection, in loading
zones, and driveway areas.  $2.00  $5.00

(2) Double parking, obstructing
fire hydrant as indicated
by red curb, or obstructing
traffic.  5.00  10.00

(3) Driving on areas other than
streets, roads, or parking
areas.  5.00  10.00

(4) Speeding over 15 miles per
hour or other posted
limits.  10.00  15.00

(5) Reckless driving.  10.00  15.00

(6) Motor vehicles making
excessive noise.  2.00  5.00

(7) Parking in wrong zone.  2.00  5.00

(8) Parking without a permit.  2.00  5.00

(9) Failure to display sticker
or displaying it at an
improper place.  2.00  5.00

(10) Failure to pay hourly rate.  5.00  10.00

(11) Parking more than one
car on a pool or multicar
permit.  10.00  15.00

(12) Giving false information
in filling application.  10.00  15.00

(13) Use of a counterfeited,
alter, defaced or
illegally transferred
permit.  20.00  25.00

(14) Failure to heed directions
of a duly authorized
officer.  10.00  15.00

(15) Failure to heed directions
given on an official sign.  2.00  5.00

REGULAR PARKING FEES FOR THE KAUAI COMMUNITY COLLEGE CAMPUS
(5/20/81)

(a) Parking permits

<table>
<thead>
<tr>
<th></th>
<th>Semester Fees</th>
<th>Summer Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Employees 24-hour permits</td>
<td>$25.00</td>
<td>$12.50</td>
</tr>
<tr>
<td>(2) Student 24-hour permits</td>
<td>25.00</td>
<td>12.50</td>
</tr>
<tr>
<td>(3) Motorcycle-Motor Scooter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24-hour permits</td>
<td>2.50</td>
<td>1.25</td>
</tr>
<tr>
<td>Evening-only permits for employees and students</td>
<td>9.00 per semester</td>
<td></td>
</tr>
</tbody>
</table>

The president may set fees below the maximum authorized by the board.

(b) Hourly parking. The maximum hourly parking fees authorized by the board shall be twenty-five cents per hour or fraction thereof.

The president may set the hourly parking fees below the maximum authorized by the board.

Persons losing time-stamped tickets must pay for entire time elapsed between daily opening of the lot and their departure.

The provost has the authority to set or waive fees for parking in the case of special events.
<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Fine</th>
<th>Paid within</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Parking in prohibited areas such as, but not limited to, the following: on grassed areas, medial strips, sidewalks, in reserved or loading stalls, in &quot;No Parking&quot; areas, or along curbs painted red (e.g., too close to intersection, in loading zones and driveway areas).</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(2) Double parking, obstructing fire hydrant as indicated by red curb, or obstructing traffic.</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>(3) Driving on areas other than streets, roads, or parking areas.</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>(4) Speeding over 15 miles per hour or other posted limits.</td>
<td>10.00</td>
<td>15.00</td>
</tr>
<tr>
<td>(5) Reckless driving.</td>
<td>10.00</td>
<td>15.00</td>
</tr>
<tr>
<td>(6) Motor vehicles making excessive noise.</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(7) Parking in wrong zone.</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(8) Parking without a permit.</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(9) Failure to display sticker or displaying it at an improper place.</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>(10) Failure to pay hourly rate.</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>(11) Parking more than one car on a pool or multi-car permit.</td>
<td>10.00</td>
<td>15.00</td>
</tr>
<tr>
<td>(12) Giving false information in filling application</td>
<td>10.00</td>
<td>15.00</td>
</tr>
<tr>
<td>(13) Use of a counterfeited, altered, defaced or illegally transferred permit.</td>
<td>20.00</td>
<td>25.00</td>
</tr>
<tr>
<td>(14) Failure to heed directions of a duly authorized officer.</td>
<td>10.00</td>
<td>15.00</td>
</tr>
<tr>
<td>(15) Failure to heed directions given on an official sign.</td>
<td>2.00</td>
<td>5.00</td>
</tr>
</tbody>
</table>
REGULAR PARKING FEES FOR
MAUI COMMUNITY COLLEGE CAMPUS
(5/20/81)

(a) Parking permits

<table>
<thead>
<tr>
<th></th>
<th>Semester Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) BOR personnel 24-hour permits</td>
<td>$3.00</td>
</tr>
<tr>
<td>(2) Classified employee 24-hour permits</td>
<td>3.00</td>
</tr>
<tr>
<td>(3) Students 24-hour permits</td>
<td>1.00</td>
</tr>
<tr>
<td>(4) Motorcycle-motor scooter 24-hour permits</td>
<td>.50</td>
</tr>
</tbody>
</table>

The provost has the authority to set or waive fees for parking in the case of special events.
VIOLATIONS AND SCHEDULE OF PENALTIES
FOR THE MAUI COMMUNITY COLLEGE CAMPUS
(5/20/81)

(1) Parking in prohibited areas such as, but not limited to, the following: on grassed areas, medicinal strips, sidewalks, in reserved or loading stalls, in "No Parking" areas, or along curbs painted red (e.g., too close to intersection, in loading zones and driveway areas) .... $ 2.00

(2) Double parking, obstructing fire hydrant as indicated by red curb, or obstructing traffic ............................................. 5.00

(3) Driving on areas other than streets, roads, or parking areas ........................................ 5.00

(4) Speeding over 15 miles per hour or other posted limits ........................................ 10.00

(5) Reckless driving ........................................ 10.00

(6) Motor vehicles making excessive noise ........................................ 2.00

(7) Parking without a permit ........................................ 2.00

(8) Failure to display sticker or displaying it at an improper place ........................................ 2.00

(9) Parking more than one car on a pool or multi-car owner permit ........................................ 5.00

(10) Giving false information in filing application ........................................ 10.00

(11) Use of a counterfeit, altered, defaced of illegally transferred permit ........................................ 20.00

(12) Failure to heed directions of a duly authorized officer ........................................ 10.00

(13) Failure to heed directions given on an official sign ........................................ 2.00

Fines
(After seven days $2 will be added)
UNIVERSITY OF HAWAIʻI

Amendments to Chapter 20-12
Hawaiʻi Administrative Rules
(July 16, 1999)

SUMMARY

1. §20-12-2 is amended.
2. §20-12-5 is amended.
3. §20-12-7 is amended.
4. §20-12-8 is amended.
5. §20-12-9 is amended.
§20-12-2 Definitions. As used in this subchapter:
"Bicycle" refers to a vehicle with two tandem wheels, a steering handle, a saddle seat, and pedals by which it is propelled.
***
[Eff 6/22/81; am 4/01/93; am DEC 18 2000 ]
§20-12-5 Application procedure. (a) Application for parking permits. Any employee or student seeking a parking permit shall obtain an application form from the parking office or at a place designated by the chancellor. The information requested in the application form must be completed fully and accurately or it shall be rejected. Employees and students shall follow established parking permit purchasing procedures as designated by the chancellor or a designee and shall be required to show proof of:

(1) Valid driver's license;
(2) Vehicle registration certificate;
(3) Employment verification letter or valid faculty or staff identification card (employee);
(4) Student registration verification slip or valid student identification card (student);
(5) Student housing receipt (dorm student).

§20-12-7 General rules. (a) Area of authority. These rules shall govern parking and operation of motor vehicles and bicycles on the campus.
(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.
(c) Signs. All officially posted signs regarding traffic and parking control shall be observed.
(d) Access and parking area.
   (1) Access. Access to the campus shall be permitted only upon showing or displaying proper permits except in hourly and daily parking zones. Motor vehicles making excessive noise may be denied access to the campus.
   (2) Parking. Parking shall be permitted only in areas marked and specified by the parking office.
   (e) Removal. Any motor vehicle may be removed or immobilized at the expense of the owner if it is in violation of these rules. The motor vehicles may be held by the university in lieu of payment of any removal and storage charges incurred against the vehicle as a result of its operation or parking on the university campus.

If the motor vehicle so removed is unclaimed for thirty days, the university shall thereafter dispose of the motor vehicle as determined by the parking office. The university shall pay all costs of removal and storage and other costs connected with the disposal out of the university parking revolving fund. If the motor vehicle is sold, the fund shall be reimbursed for the costs, as well as for any unpaid fines from the proceeds for the sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of the sale are not claimed by the owner of the vehicle within sixty days after notice, the proceeds shall be deposited in the university parking revolving fund.

(f) Display of permits. Any motor vehicle parked on university property, other than in pay lots, must display a valid university parking permit or pass. The permit shall designate a specific zone where the vehicle may be parked. It is the permit holder's responsibility to display the permit in plain view on
the dashboard or on the rear-view mirror. For motorcycles, mopeds, and motor scooters, it shall be affixed on the left handle bar or on the left front side in plain view. The location where these stickers are to be placed may be changed by the chancellor as deemed necessary. Failure to properly display identification stickers as indicated in this subsection is a violation and may subject the violator to a fine, removal of the vehicle, disciplinary action, or any combination thereof.

(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that month for which it is issued. Students without twenty-four hour permits who are enrolled in regular semester or summer session day-time programs may be allowed to purchase evening only permits for parking in zones designated by the chancellor.

***

[Eff 6/22/81; am 4/01/93; am DEC 18 2000 ]

§20-12-8 Parking permits, fees and areas. (a) Fees for regular parking permits and for hourly or daily parking shall be as reflected in "Regular Parking Fees for UH/Manoa (July 16, 1999)" which is made a part hereof and located at the end of this chapter.
(b) Other fees.
(1) The board may set fees for other periods of time not covered under these rules without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that the chancellor shall announce in advance by appropriate media the intent to set the fees which setting may directly affect either students or employees, so that both the groups or their representatives shall have an opportunity to submit comments or recommendations on the matter prior to the board's decision to set the fees.
(2) The board may establish service fees.
(3) The board may establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc., without the necessity of public hearing. [Eff 6/22/81; am 4/01/93; am DEC 18 2000] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)
§20-12-9 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for UH/Manoa (July 16, 1999)" which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine, removal or immobilization of motor vehicle, or disciplinary action, or revocation or suspension of permit, or all of the foregoing.

(c) Additional penalties may be imposed if the fine is not paid or contested within seven days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Manoa (July 16, 1999)."

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant or the registered owner of the motor vehicle, or both, shall be subject to the applicable penalties described in subsections (a), (b), and (c), except in the case of a moving violation in which case the driver shall be subject to the applicable penalties.

(f) All fines shall be paid at the parking office. [Eff 6/22/81; am 4/01/93; am ] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1, 308-3)
REGULAR PARKING FEES FOR UH/MĀNOA
( July 16, 1999 )

<table>
<thead>
<tr>
<th></th>
<th>Semester</th>
<th>Summer</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Parking Permits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Employee (Upper Câmpus)</td>
<td>$168.00</td>
<td>$84.00</td>
<td>$420.00</td>
</tr>
<tr>
<td>(2) Employee (Lower Campus)</td>
<td>$134.00</td>
<td>$68.00</td>
<td>$336.00</td>
</tr>
<tr>
<td>(3) The chancellor, vice presidents, deans, and directors of major research institutes may, upon approval and payment of an additional fee in the amount of 50% of the established fee, be provided with one reserved parking stall as determined by the Parking Office.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Student Permits</td>
<td>$134.00</td>
<td>$68.00</td>
<td>$336.00</td>
</tr>
<tr>
<td>(5) Evening Permits (per month)</td>
<td></td>
<td></td>
<td>$18.00</td>
</tr>
<tr>
<td>(6) Moped/Motorcycle Permits (Employees and Students)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semester</td>
<td>Summer</td>
<td>Annual</td>
<td></td>
</tr>
<tr>
<td>$28.00</td>
<td>$14.00</td>
<td>$70.00</td>
<td></td>
</tr>
<tr>
<td>(b) Hourly or Daily Parking</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Hourly or daily parking fees will be set by the board at rates not to exceed the following:
Chapter 20-12
Regular Parking Fees

(1) $4.00 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk opening must pay for the entire time lapsed between opening of the lot and their departure.

(2) $16.00 per day or any fraction thereof payable on either entrance or exit in certain zones or areas designated by the board.

(3) The chancellor shall establish the time periods at which said fees change from hourly to daily or vice versa.

(4) The board shall set or waive fees for parking for special events or handicapped persons.
VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/MĀNOA
( July 16, 1999 )

(a) Violations and Schedule of Penalties:

<table>
<thead>
<tr>
<th>Original Fine</th>
<th>7-Day Non-Payment Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Parking in prohibited areas including but not limited to the following:</td>
<td></td>
</tr>
<tr>
<td>- lawns, planted areas,</td>
<td></td>
</tr>
<tr>
<td>and grounds under repair;</td>
<td></td>
</tr>
<tr>
<td>- medial strips, sidewalks,</td>
<td></td>
</tr>
<tr>
<td>driveways, and crosswalks;</td>
<td></td>
</tr>
<tr>
<td>- &quot;No Parking&quot; areas or</td>
<td></td>
</tr>
<tr>
<td>along curbs painted red;</td>
<td></td>
</tr>
<tr>
<td>- (obstructing) fire hydrant</td>
<td></td>
</tr>
<tr>
<td>or (parking in) fire lane;</td>
<td></td>
</tr>
<tr>
<td>- (obstructing) vehicular or</td>
<td></td>
</tr>
<tr>
<td>pedestrian traffic;</td>
<td></td>
</tr>
<tr>
<td>- official bus or shuttle stop.</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

(2) Parking in area not designated for that specific type of vehicle.......... 15.00 25.00

(3) Operating or parking a motor vehicle of any type, moped, motorcycle, or bicycle within a University building. 15.00 25.00

(4) Double parking or motor vehicles not placed wholly within the lines or boundaries of the parking space....................... 15.00 25.00

(5) Parking in a reserved stall......................... 25.00 35.00
(6) Parking in space reserved for disabled persons without properly displaying a valid disabled placard or special license plate.............. 150.00 160.00

(6a) Persons using a disabled placard who refuse to present a valid identification card issued under chapter 291, Hawaii Revised Statutes, to an enforcement officer upon their request.............. 150.00 160.00

(7) Parking in a loading zone longer than 15 minutes........ 25.00 35.00

(8) Parking in wrong zone...... 15.00 25.00

(9) Parking without a permit.. 15.00 25.00

(10) Failure to display permit or displaying it at an improper location.................. 15.00 25.00

(11) Failure to pay daily parking rate.................. 15.00 25.00

(12) Falsifying information on an application................. 20.00 30.00

(13) Displaying or using invalid permit or pass........... 20.00 30.00

(14) Possessing or using counterfeit, altered, defaced, illegally transferred, or stolen permit................... 25.00 35.00

(15) Driving on areas other than streets, roads, or parking areas.................. 15.00 25.00
(16) Exceeding the 15 mph or other posted speed limits on campus.........................20.00 30.00

(17) Reckless driving...............................20.00 30.00

(18) Failure to heed directions of a duly authorized officer...25.00 35.00

(19) Failure to heed directions on an official sign and/or symbols..............................15.00 25.00

(20) Moving violations of the City & County of Honolulu Traffic code not otherwise specified in these regulations.............15.00 25.00

(21) Parking or operating a bicycle or moped in violation of the City & County of Honolulu Traffic Code (not otherwise specified herein)...................15.00 25.00

(22) Failure to make a complete stop at an official "STOP" sign...............................20.00 30.00

(23) Transporting a bicycle, moped, or motorcycle in an elevator..........................15.00 25.00

(24) Damaging campus signs, parking gates, or parking appurtenances......................25.00 35.00 + cost of repair or replacement

(25) Repeat or flagrant violation of parking regulations...............................25.00 35.00
Chapter 20-12  
Violations and Schedule of Penalties

(26) Motor vehicle or its alarm system making excessive noise and/or causing a disturbance... 15.00  25.00

(27) Moving any barricade or parking within any barricaded area... 15.00  25.00

(b) Violators shall be subject to any of the following:

(1) A citation and fine as outlined in section "(a)";

(2) Vehicle removal or impoundment;

(3) Recommended hold placed on University registration and records;

(4) Revocation or suspension of parking privileges;

(5) Referral to Student Conduct Board.
Amendments to chapter 20-12, Hawai‘i Administrative Rules, on the Summary page dated, were adopted on October 20, 2000 following a public hearing held on September 19, 2000 after public notice was given in the RPD Publications Public Notice, and on August 7, 2000.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

LILI K. YAO
Chairperson
Board of Regents
University of Hawai‘i

APPROVED AS TO FORM:

Russell A. Sumlj
Deputy Attorney General

BENJAMIN J. CAYETANO
Governor
State of Hawai‘i

Date: Dec. 1, 2000
DEC 7 2000
Filed
Rules Amending Title 20, Administrative Rules
(December 18, 1992)

SUMMARY

1. §§20-12-11, 20-12-12, 20-12-13, 20-12-14, 20-12-15, 20-12-16, 20-12-17, 20-12-18, and 20-12-19 are amended.
Rules Amending Title 20, Administrative Rules
(December 18, 1992)

SUMMARY

1. §§20-12-11, 20-12-12, 20-12-13, 20-12-14, 20-12-15, 20-12-16, 20-12-17, 20-12-18, and 20-12-19 are amended.
§20-12-11 Statement of purpose. The purpose of this subchapter is to properly administer parking and traffic operations at the University of Hawaii at Hilo campus. This subchapter is intended to provide for the safety and general welfare of the university community. [Eff 6/22/81; am 6/2/83; am JUL 02 1993 ] (Auth: HRS §§308-1, 304-4, 306-2) (Imp. HRS §§308-1, 308-3, 306-9, 304-4)
§20-12-12 Definitions. As used in this subchapter:
"Board" means the board of regents of the University of Hawaii.
"Campus" means all lands occupied by the University of Hawaii at Hilo.
"Chancellor" means the senior vice president and chancellor of the University of Hawaii at Hilo and shall include the chancellor's authorized designee.
"Employees" includes the faculty, staff, and line members employed at the university.
"Parking board" means the campus parking board of review.
"Special events" means events on the University of Hawaii at Hilo campus that would necessitate a temporary change in the normal parking and traffic operations.
"Student" means any full-time or part-time student enrolled at the university.
"University" means the University of Hawaii at Hilo and includes all university organizations located thereupon.
"Vehicle" includes but is not limited to trucks, automobiles, motor scooters, motorcycles, mopeds, bicycles, and skateboards.
"Visitor" means any person who is not a university faculty, staff, student, or authorized user. [Eff 6/22/81; am 6/2/83; am JUL 07 1983] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §§308-1, 304-4, 306-9)
§20-12-13 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the university to the chancellor. The board may engage a private concessionaire or contractor to operate the parking and traffic operation or a portion thereof at the campus. [Eff 6/22/81; am 6/2/83; am JUL 07 1992] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1, 304-4, 306-9)
§20-12-14 Map of parking areas. A current map of the parking areas of the campus displaying the assignments of zones shall be kept at the auxiliary services office. The chancellor may change the assignment of zones and allowable times for parking in zones allocated to employees, students, or others, based on availability and demand, without the necessity of following the provisions of sections 91-3, 91-4, and 91-5, HRS, provided that the chancellor shall announce thirty days in advance by appropriate media the intent to make any such change which may directly affect either students or employees, so that both of these groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to make any such change. Such changes shall be recorded on the map. [Eff 6/22/81; am 6/2/83; am 02 1993] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1, 304-4, 306-9)
§20-12-15  Parking permits and fees. (a) The chancellor shall determine the need for and method of distributing parking permits. All university employees and students shall register and obtain appropriate parking permits for their vehicles. Visitors may park in designated stalls without a parking permit. Parking permit fees and fees for hourly or daily parking shall be as reflected in the exhibit entitled "Parking Permit Fee Schedule" dated October 1, 1992, which is located at the end of this chapter and made a part of this section.

(b) Other fees.
(1) The chancellor may set fees for other periods of time not covered under this subchapter without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that such fees do not exceed the maximum established in the exhibit entitled "Parking Permit Fee Schedule", dated October 1, 1992, and provided that the chancellor shall announce thirty days in advance by appropriate media the intent to set such fees which may directly affect either students or employees, so that both of these groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to set such fees.

(2) The chancellor may establish service fees not to exceed $10 per transaction.

(3) The chancellor may establish equitable refundable deposit requirements for returnable items such as gate cards and keys. [Eff 6/22/81; am 6/2/83; am JUL 02 1993 ] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §§308-1, 304-4, 306-9)
§20-12-16  The chancellor's authority. The chancellor may:

(1) Establish, implement, and administer policies and procedures to regulate traffic and parking;

(2) Establish, implement, and administer policies and procedures for issuance of permits to employees and students;

(3) Designate reserved parking for university vehicles, disabled employees and students, and special events at the university;

(4) Engage a private concessionaire or contractor to operate the parking and traffic program or a portion thereof on campus;

(5) Appoint members of the parking board to be comprised of a student, a faculty member, and a staff member; and

§20-12-17 General rules. (a) This section shall govern parking and operation of vehicles on the campus.

(b) Time. The requirements of this subchapter shall be in effect twenty-four hours daily throughout the entire year. Parking on campus shall be limited to the hours between 6:00 a.m. to 12:00 midnight with the exception of dormitory resident parking which shall be in effect twenty-four hours daily.

(c) Signs. All official signs regarding parking and traffic must be observed.

(d) Access and parking areas.

(1) Access to the campus shall be permitted only upon showing or displaying proper permits except in hourly and daily parking zones. Vehicles making excessive noise may be denied access to the campus.

(2) Parking shall be permitted only in areas marked and specified for parking on the map filed at the auxiliary services office.

(e) Removal of vehicles. Any vehicle may be removed, immobilized, or confiscated at the expense of the owner if it is in violation of this subchapter. Such vehicles may be held by the university in lieu of payment of any unpaid fines or removal and storage charges incurred against the vehicle as a result of its operation or parking on the university campus. If the vehicle so removed is not claimed by the owner of the vehicle within thirty days after written notice, the university shall thereafter dispose of the vehicle as determined by the auxiliary service office. The university shall pay all costs of removal and storage and other costs connected with such disposal out of the university revolving parking fund. If the vehicle is sold, the fund shall be reimbursed for all costs, including unpaid fines, relative to the vehicle's disposal and sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after notice, such proceeds shall be deposited in the university revolving parking fund.

(f) Display of permits. Any vehicle parked on university property, other than in pay lots, must display a valid university parking permit or pass. The permit shall designate a specific zone where the vehicle may be parked. It is the permit holder's responsibility to display the permit in plain view on the dashboard or on the rear-view mirror.

(g) A permit shall be valid for times specified, and only for the areas designated on the permit.
(h) A permit shall be valid only in the zone designated except that after 4 p.m., daily, permit holders having semester or summer permits may be allowed to park in zones designated by the chancellor.

(i) The chancellor may adjust the ratio of permits to the number of spaces available from time to time as the need arises.

(j) Employees and their families living on the campus shall be provided permits at no cost except that they shall park only in the designated area adjacent to their dwellings.

(k) Persons parking in hourly or daily pay zones as designated by the chancellor shall pay the rate as established in section 20-12-15.

(l) Enforcement. This subchapter shall be enforced by persons authorized by the board or the chancellor.

(m) The university shall not be responsible for fire, theft, or damage to vehicles or any contents therein when parked or operated on the campus. [HRS §308-1, 304-4, 306-2] (Imp: HRS §308-1, 304-4, 306-9)
§20-12-18 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in the exhibit entitled "Violations and Schedule of Penalties for UH-Hilo" dated October 1, 1992, which is located at the end of this chapter and made a part of this section.

(b) Violators shall be subject to a fine and removal, immobilization, or confiscation of vehicle, or disciplinary action, revocation or suspension of permit, or all of the foregoing.

(c) Additional penalties may be imposed if the fine is not paid or contested within seven calendar days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH-Hilo" dated October 1, 1992.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant or the registered owner of the vehicle, or both, shall be subject to the applicable penalties described in subsections (a), (b), and (c) except in the case of a moving violation in which case the driver shall be subject to applicable penalties.

(f) All fines shall be paid at the auxiliary services office.

(g) Disciplinary action against students shall be as provided under existing Board of Regents' Bylaws and Policies. [Eff 6/22/81; am 6/2/83; am JUL 02 1993 ] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §§308-1, 308-3, 304-4, 306-9)
§20-12-19 Appeals process. (a) Any person receiving a citation is entitled to a formal hearing on the citation. Requests for a formal hearing must be submitted in writing within seven days after issuance of the citation on a form to be provided by the university. Such form shall be made available at the auxiliary services office.

(b) The following are rules of practice on parking and traffic matters including both formal and informal procedures:

(1) Informal procedures. Persons who believe that they have received a parking or traffic citation or notice of citation in error or whose vehicle was towed away by the university may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the university's parking and traffic program within seven days of the issuance of the citation or notice or of the removal of a vehicle. Such manager may waive said period for good cause shown. Such manager may void citations, waive towing and storage charges, and reduce the fine imposed upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued or that the person did not know of said citation or notice so as to contest them within seven days of issuance.

(2) Formal procedures. A person requesting a hearing on a parking or traffic citation in accordance with subsection (a) shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of:

(A) The date, time, place, and nature of hearing.

(B) The legal authority under which the hearing is to be held.

(C) The particular sections of the statutes and rules involved.

(D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof.
(E) The fact that any party may retain counsel if so desired. Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

The hearing shall be conducted either by a hearing officer appointed by the parking board, or by the parking board itself. If a hearing officer hears and examines all the evidence, the hearing officer shall submit findings of fact and conclusions of law to the parking board and to the party. The party may file written exceptions and present arguments to the parking board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the hearing officer's report, the decision of the hearing officer shall be final.

In the event a party does not appear at the date, time, and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter.

Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the parking board or the hearing officer may direct payment of all or a portion of the fine or charge.

(c) The decision of the parking board shall be final within the university.

(d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the auxiliary service office.
(e) Petitions for the adoption, amendment, or repeal of rules shall be in the form of a letter to the chancellor of the university stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The chancellor may confer with appropriate administrative or legal staff, or both. The chancellor shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The chancellor may also initiate action on the chancellor's own motion to adopt, amend, or repeal rules pursuant to chapter 91, HRS.

(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of vehicles on the campus or any rule under this subchapter shall be in the form of a letter to the chancellor of the university stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The chancellor may confer with appropriate administrative or legal staff, or both, and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff 6/22/81; am 6/2/83; am JUL 02 1993] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1, 304-4, 306-9)
PARKING PERMIT FEE SCHEDULE FOR UH-HILO  
(October 1, 1992)  

(1) Dormitory resident parking. Dormitory residents may purchase permits to park in designated areas reserved for such residents. The charge for a dormitory resident permit is $35 per semester or $60 per year.  

(2) Preferred parking. Reserved lots on campus shall be divided into zones. Faculty and staff may purchase permits to park in "preferred" campus lots. Students may purchase permit to park in preferred lots on a space available basis. Preferred parking permits will be distributed by a lottery system. The charge for a preferred parking permit is $35 per semester or $60 per year.  

(3) General parking. Faculty, staff, and students may purchase permits to park in "general" campus lots. The charge for a general parking permit is $15 per semester or $25 per year.  

(4) Visitor parking. Visitors to campus shall park in designated lots or stalls only. Fee is based on an hourly or daily rate as set by the chancellor.  

(5) Hourly or daily parking fees will be set by the chancellor or the chancellor's designee at rates not to exceed the following:  

(A) $4 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk opening must pay for the entire time lapsed between opening of the lot and their departure.  

(B) $16 per day or any fraction thereof payable on either entrance or exit in certain zones or areas designated by the chancellor or the chancellor's designee.  

(C) The chancellor or the chancellor's designee shall establish the time periods at which said fees change from hourly to daily or vice versa.  

(D) The chancellor or the chancellor's designee shall set or waive fees for parking for special events or disabled persons.
<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Fine</th>
<th>5 Working Day Non-Payment Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Parking in prohibited areas such as, but not limited to, the following: on grassed areas not marked for parking, outside of marked stalls, medial strips, sidewalks, driveways, crosswalks, in loading stalls, in &quot;No Parking&quot; areas, or along so marked curbs</td>
<td>$15</td>
<td>$25</td>
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<td>(2) Parking in area not designated for that specific type of vehicle</td>
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<td>(3) Operating or parking a vehicle of any type, moped, or motorcycle in an unauthorized area within the University</td>
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<td>(4) Double parking or vehicles not placed wholly within the lines or boundaries of the parking space</td>
<td>$15</td>
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<td>(5) Parking in a reserved stall</td>
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<tr>
<td>(6) Parking in handicapped stall without proper permit</td>
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<tr>
<td>(7) Parking in loading zone longer than 15 minutes</td>
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<td>(8) Parking in wrong zone</td>
<td>$15</td>
<td>25</td>
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<tr>
<td>(9) Parking without a permit</td>
<td>$15</td>
<td>$25</td>
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</table>
(10) Failure to display permit or displaying it at an improper location $15 $25

(11) Failure to pay daily parking fee $15 $25

(12) Falsifying information on an application $20 $30

(13) Displaying or using invalid permit or pass $20 $30

(14) Possessing or using counterfeit, altered, defaced, illegally transferred, or stolen permit $50 $60

(15) Driving on areas other than streets, roads, or parking areas $15 $25

(16) Exceeding 15 mph or other posted speed limits on campus $20 $30

(17) Reckless driving $20 $30

(18) Failure to heed directions of a duly authorized officer $30 $40

(19) Failure to heed directions on an official sign or symbols $15 $25

(20) Moving violations of the county of Hawaii Traffic Code not otherwise specified in these regulations $15 $25

(21) Parking or operating a bicycle or moped in violation of the county of Hawaii Traffic Code (not otherwise specified herein) $15 $25

(22) Failure to make a complete stop at an official "STOP" sign $20 $30
(23) Damaging campus signs, parking gates, or parking appurtenances

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<td>+</td>
<td>cost of repair</td>
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<td></td>
<td>or</td>
<td>replacement</td>
</tr>
</tbody>
</table>

(24) Repeat or flagrant violation of parking regulations

|                | $30  | $40  |

(25) Motor vehicle or its alarm system making excessive noise and/or causing a disturbance

|                | $15  | $25  |

(26) Moving any barricade or parking within any barricaded area

|                | $15  | $25  |

(b) Violators shall be subject to any of the following:

(1) A citation and fine as outlined in paragraph (a);

(2) Vehicle removal or impoundment;

(3) Recommended hold placed on University registration and records;

(4) Revocation or suspension of parking privileges;

(5) Referral of Student Conduct Board.
UNIVERSITY OF HAWAII

Amendments to Chapter 20-12
Hawaii Administrative Rules
( 1/16/92  )

SUMMARY

1. §§20-12-1 to 20-12-10 are amended.
§20-12-1 Statement of purpose. The purpose of these rules is to properly administer parking and traffic operations. These rules are intended for the safety and general welfare of the university community. [Eff 6/22/81; am APR 01 1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1, 308-3)
§20-12-2 Definitions. As used in this subchapter:
"Board" refers to the board of regents of the University of Hawaii.
"Campus" refers to all lands occupied by the university and by the East West Center at the Manoa campus.
"Chancellor" refers to the chancellor of the University of Hawaii at Manoa and shall include his/her authorized designee.
"Employees" refers to and shall include the faculty, staff and graduate students employed at the university. These employees shall include the university system offices and employees of contractors and lessees conducting business on campus unless said employees' contracts prohibit on-campus parking.
"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, mopeds, and motorcycles.
"Parking board" refers to the parking board of review.
"Special events" refers to events on the University of Hawaii campus that would necessitate a temporary change in the normal parking and traffic operations.
"Student" refers to any full-time or part-time student enrolled at the university.
"University" refers to the University of Hawaii at Manoa and shall include the East West Center.  [Eff 6/22/81; am APR 07 1993 ] (AUTH: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

Am 12/18/2003 to add def. for "bicycle"
§20-12-3 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the university to the chancellor. The board may engage a private concessionaire or contractor to operate the parking and traffic operation or a portion thereof at the campus. [Eff 6/22/81; am APR 01, 1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)
§20-12-4  Map of parking areas. The map of the parking areas of the campus shall be kept at the parking office. The chancellor may change the assignment of zones and allowable times for parking in zones allocated to employees, students or others, based on availability and demand, without the necessity of following the provisions of sections 91-3, 91-4, and 91-5, HRS, provided that the chancellor shall announce in advance by appropriate media the intent to make any such change which may directly affect either students or employees, so that both said groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change. Such changes shall be recorded on the map. [Eff 6/22/81; am APR 01 1993 ] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)
§20-12-5 Application procedure. (a) Application for parking permits. Any employee or student seeking a parking permit shall obtain an application form from the parking office or at a place designated by the chancellor. The information requested in the application form must be completed fully and accurately or it shall be rejected. Employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate and current valid vehicle safety check. All applicants, except those applying for moped permits, shall be required to show proof that liability insurance is maintained on their vehicle before a permit is issued. Minimum coverage of said insurance shall be as required by chapter 294, HRS.

(b) When and where to get permits. Permits will be sold at times and places designated by the chancellor or a designee, provided that the chancellor shall announce in advance by appropriate media the intent to make a change in such timing or location which may directly affect either students or employees, so that both said groups or their representatives shall have opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change.

(c) Only one permit shall be sold to each applicant and such permit shall not be transferable except as otherwise provided.

(d) Permit fees may be refunded in accordance with policy as established by the chancellor. [Eff 6/22/81; amended 1/1/1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§294-10, 304-4, 306-9, 308-1)
§20-12-6 Chancellor's authority and priorities.
The chancellor shall have authority to:

(1) Establish, implement, and administer policies and procedures to regulate traffic and parking;

(2) Establish, implement, and administer policies and procedures for issuance of permits to employees and students;

(3) Designate reserved parking for university vehicles, handicapped employees and students, and special events at the university;

(4) Engage a private concessionaire or contractor to operate the parking and traffic program or a portion thereof on campus.

(5) Do such other things as necessary to control traffic and parking. [Eff 6/22/81; am APR 01 1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)
§20-12-7  General rules. (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.

(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.

(c) Signs. All officially posted signs regarding traffic and parking control must be observed.

(d) Access and parking area.

(1) Access. Access to the campus shall be permitted only upon showing or displaying proper permits except in hourly and daily parking zones. Motor vehicles making excessive noise may be denied access to the campus.

(2) Parking. Parking shall be permitted only in areas marked and specified by the parking office.

(e) Removal. Any motor vehicle may be removed or immobilized at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the university in lieu of payment of any unpaid fines or removal and storage charges incurred against the vehicle as a result of its operation or parking on the university campus.

If the motor vehicle so removed is unclaimed for thirty days, the university shall thereafter dispose of the motor vehicle as determined by the parking office. The university shall pay all costs of removal and storage and other costs connected with such disposal out of the university parking revolving fund. If the motor vehicle is sold, the fund shall be reimbursed for such costs, as well as for any unpaid fines from the proceeds for such sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after notice, such proceeds shall be deposited in the university parking revolving fund.

(f) Display of permits. Any motor vehicle parked on university property, other than in pay lots, must display a valid university parking permit or pass. The permit shall designate a specific zone where the vehicle may be parked. It is the permit holder's responsibility to display the permit in plain view on the dashboard or on the rear-view mirror. For motorcycles, mopeds, and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the chancellor as deemed necessary.
Failure to properly display identification stickers as indicated here is a violation and may subject the violator to a fine, removal of the vehicle, disciplinary action, or any combination thereof.

(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that quarter of the college of continuing education and community services for which it is issued. Students without twenty-four hour permits who are enrolled in regular semester or summer session day-time programs may be allowed to purchase evening only permits for parking in zones designated by the chancellor.

(h) A permit shall be valid only in the zone designated except that after four p.m., daily, permit holders having semester or summer permits may be allowed to park in zones designated by the chancellor.

(i) The university shall not issue excessive parking permits in relation to the number of spaces available. The chancellor may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.

(j) Employees and their families living on the campus shall be provided permits at no cost except that they shall park only in the designated area adjacent to their dwellings.

(k) Persons parking in hourly or daily pay zones as designated by the chancellor shall pay the rate as established in section 20-12-8.

(l) Enforcement. These rules shall be enforced by persons authorized by the board or by the chancellor to man gates and issue citations.

(m) The university shall not be responsible or liable for fire, theft, or damages to motor vehicles or any contents therein when parked or operated on the campus. [Eff 6/22/81; am APR 01 1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)
§20–12–8 Parking permits, fees and areas. (a) Fees for regular parking permits and for hourly or daily parking shall be as reflected in "Regular Parking Fees for UH/Manoa (1/17/92)" which is made a part hereof and located at the end of this chapter.

(b) Other fees.

(1) The chancellor may set fees for other periods of time not covered under these rules without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that said fees do not exceed the maximum established in "Regular Parking Fees for UH/Manoa (5/20/81)" and provided that the chancellor shall announce in advance by appropriate media the intent to set such fees which setting may directly affect either students or employees, so that both said groups or their representatives shall have opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said fees.

(2) The chancellor may establish service fees not to exceed $10 per transaction.

(3) The chancellor may establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc., without the necessity of public hearing. [Eff 6/22/81; am APR 07 1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)
§ 20-12-9 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties" for UH/Manoa (1/17/92) which is made a part hereof and located at the end of this chapter.

(b) Violators shall be subject to a fine, removal or immobilization of motor vehicle, or disciplinary action, or revocation or suspension of permit, or all of the foregoing.

(c) Additional penalties may be imposed if the fine is not paid or contested within seven days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Manoa (1/17/92)".

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The applicant or the registered owner of the motor vehicle, or both, shall be subject to the applicable penalties described in (a), (b) and (c) of this section, except in the case of a moving violation in which case the driver shall be subject to said applicable penalties.

(f) All fines shall be paid at the parking office.

§20-12-10 **Appeals process.** (a) Each person receiving a citation is entitled to a formal hearing on the citation. Requests for formal hearings must be submitted in writing within seven days after issuance of the citation on a form to be provided by the university. Such forms shall be made available at the parking office.

(b) The following rules of practice on parking and traffic matters including both formal and informal procedures are adopted:

(1) Informal procedures. Persons who believe that they have received a parking or traffic citation or notice of citation in error or whose vehicle was towed away by the university may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the university's parking and traffic program within seven days of the issuance of the citation or notice or of the removal of a vehicle. Such managers may waive said period for good cause shown. Such managers may void citations, waive towing and storage charges and reduce the fine imposed upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued or that the person did not know of said citations or notice so as to contest them within seven days of issuance.

(2) Formal procedures. A person requesting a hearing on a parking or traffic citation in accordance with (a) of this section shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of:

(A) The date, time, place and nature of hearing.

(B) The legal authority under which the hearing is to be held.

(C) The particular sections of the statutes and rules involved.

(D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof.
(E) The fact that any party may retain counsel if so desired.
Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

The hearing shall be conducted either by a hearing officer appointed by the parking board, or by the parking board itself. If it is the hearing officer who hears and examines all the evidence, the hearing officer shall submit findings of fact and conclusions of law to the parking board and to the party. The party may file written exceptions and present arguments to the parking board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.

In the event a party does not appear at the date, time and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter.

Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the parking board or the hearing officer may direct payment of all or a portion of the fine or charge.

(c) The parking board shall be composed of a student, a faculty member and a staff member appointed by the chancellor. The decision of the parking board shall be final within the university.

(d) The public may obtain information or make submittals or requests relative to parking and traffic
matters by addressing a letter to the parking office.

(e) Petitions for the adoption, amendment, or repeal of rules shall be in the form of a letter to the chancellor of the University of Hawaii stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The chancellor may confer with appropriate administrative or legal staff, or both. The chancellor shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The chancellor may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.

(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule under this subchapter shall be in the form of a letter to the chancellor of the University of Hawaii stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The chancellor may confer with appropriate administrative or legal staff, or both, and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff 6/22/81; am APR 01 1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)
UNIVERSITY OF HAWAII

Amendments to Chapter 20-12, Hawaii Administrative Rules, on the Summary page dated 1/16/92, were adopted on 2/19/93, following a public hearing held on 1/21/93, after public notice was given in the Honolulu Advertiser on 9/8/92.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

[Signature]
H. HOWARD STEPHENSON
Chairperson,
Board of Regents
University of Hawaii

APPROVED AS TO FORM:

[Signature]
Deputy Attorney General

[Signature]
JOHN WAIHEE
Governor
State of Hawaii
Date: MAR 2 2 1993

MAR 2 2 1993
Filed
REGULAR PARKING FEES FOR UH/MANOA
(1/17/92)

<table>
<thead>
<tr>
<th></th>
<th>Semester</th>
<th>Summer</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Parking Permits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Employee (Upper Campus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>$ 96.00</td>
<td>$ 48.00</td>
<td>$240.00</td>
</tr>
<tr>
<td>1994</td>
<td>110.00</td>
<td>56.00</td>
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<tr>
<td>1995</td>
<td>127.00</td>
<td>64.00</td>
<td>318.00</td>
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<tr>
<td>1996</td>
<td>146.00</td>
<td>73.00</td>
<td>365.00</td>
</tr>
<tr>
<td>1997</td>
<td>168.00</td>
<td>84.00</td>
<td>420.00</td>
</tr>
</tbody>
</table>

(2) Employee (Lower Campus)

| 1993         | $ 77.00  | $ 38.00| $192.00|
| 1994         | 89.00    | 42.00  | 220.00 |
| 1995         | 102.00   | 49.00  | 253.00 |
| 1996         | 117.00   | 56.00  | 290.00 |
| 1997         | 134.00   | 68.00  | 336.00 |

(3) The chancellor, vice presidents, deans, and directors may, upon approval and payment of an additional fee in the amount of 50% of the established fee, be provided with one reserved parking stall as determined by the Parking Office.

(4) Student Permits

| 1993         | $ 77.00  | $ 38.00| $192.00|
| 1994         | 89.00    | 42.00  | 220.00 |
| 1995         | 102.00   | 49.00  | 253.00 |
| 1996         | 117.00   | 56.00  | 290.00 |
| 1997         | 134.00   | 68.00  | 336.00 |

(5) Evening Permits (per month)

| 1993         | $ 10.00  |
| 1994         | 12.00    |
| 1995         | 14.00    |
| 1996         | 16.00    |
| 1997         | 18.00    |
(6) Moped/Motorcycle Permits (Employees and Students)

<table>
<thead>
<tr>
<th>Year</th>
<th>Semester</th>
<th>Summer</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>$20.00</td>
<td>$10.00</td>
<td>$50.00</td>
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<td>22.00</td>
<td>11.00</td>
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<td>1995</td>
<td>24.00</td>
<td>12.00</td>
<td>60.00</td>
</tr>
<tr>
<td>1996</td>
<td>26.00</td>
<td>13.00</td>
<td>65.00</td>
</tr>
<tr>
<td>1997</td>
<td>28.00</td>
<td>14.00</td>
<td>70.00</td>
</tr>
</tbody>
</table>

(b) Hourly or Daily Parking

Hourly or daily parking fees will be set by the chancellor at rates not to exceed the following:

(1) $4.00 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk opening must pay for the entire time lapsed between opening of the lot and their departure.

(2) $16.00 per day or any fraction thereof payable on either entrance or exit in certain zones or areas designated by the chancellor.

(3) The chancellor shall establish the time periods at which said fees change from hourly to daily or vice versa.

(4) The chancellor shall set or waive fees for parking for special events or handicapped persons.
### Violations and Schedule of Penalties:

<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Original Fine</th>
<th>7-Day Non-Payment Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Parking in prohibited areas including but not limited to the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- lawns, planted areas, and grounds under repair;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- medialized strips, sidewalks, driveways, and crosswalks;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- &quot;No Parking&quot; areas or along curbs painted red;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- (obstructing) fire hydrant or (parking in) fire lane;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- (obstructing) vehicular or pedestrian traffic;</td>
<td>$15.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>- official bus stop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Parking in area not designated for that specific type of vehicle</td>
<td>15.00</td>
<td>25.00</td>
</tr>
<tr>
<td>(3) Operating or parking a motor vehicle of any type, moped, or motorcycle within a University building</td>
<td>15.00</td>
<td>25.00</td>
</tr>
<tr>
<td>(4) Double parking or vehicles not placed wholly within the lines or boundaries of the parking space</td>
<td>15.00</td>
<td>25.00</td>
</tr>
<tr>
<td>(5) Parking in a reserved stall</td>
<td>25.00</td>
<td>35.00</td>
</tr>
<tr>
<td>(6) Parking in handicapped stall without proper permit</td>
<td>25.00</td>
<td>35.00</td>
</tr>
<tr>
<td>(7) Parking in loading zone longer than 15 minutes</td>
<td>25.00</td>
<td>35.00</td>
</tr>
</tbody>
</table>
(8) Parking in wrong zone...... 15.00  25.00

(9) Parking without a permit.. 15.00  25.00

(10) Failure to display permit or displaying it at an improper location... 15.00  25.00

(11) Failure to pay daily parking fee................. 15.00  25.00

(12) Falsifying information on an application..................... 20.00  30.00

(13) Displaying or using invalid permit or pass............... 20.00  30.00

(14) Possessing or using counterfeit, altered, defaced, illegally transferred, or stolen permit........... 25.00  35.00

(15) Driving on areas other than streets, roads, or parking areas............. 15.00  25.00

(16) Exceeding the 15 mph or other posted speed limits on campus...................... 20.00  30.00

(17) Reckless driving............. 20.00  30.00

(18) Failure to heed directions of a duly authorized officer.... 25.00  35.00

(19) Failure to heed directions on an official sign and/or symbols.................. 15.00  25.00

(20) Moving violations of the City & County of Honolulu Traffic Code not otherwise specified in these regulations........... 15.00  25.00

(21) Parking or operating a bicycle or moped in violation of the City & County of Honolulu Traffic Code (not otherwise specified herein)............. 15.00  25.00
(22) Failure to make a complete stop at an official "STOP" sign......................... 20.00 30.00

(23) Transporting a bicycle, moped, or motorcycle in an elevator..................... 15.00 25.00

(24) Damaging campus signs, parking gates, or parking appurtenances................ 25.00 35.00 + cost of repair or replacement

(25) Repeat or flagrant violation of parking regulations............................... 25.00 35.00

(26) Motor vehicle or its alarm system making excessive noise and/or causing a disturbance.... 15.00 25.00

(27) Moving any barricade or parking within any barricaded area............................. 15.00 25.00

(b) Violators shall be subject to any of the following:

(1) A citation and fine as outlined in section "(a)";

(2) Vehicle removal or impoundment;

(3) Recommended hold placed on University registration and records;

(4) Revocation or suspension of parking privileges;

(5) Referral to Student Conduct Board.
Rules Amending Title 20, Administrative Rules
(March 18, 1983)

SUMMARY

1. §§20-12-11, 20-12-12, 20-12-13, 20-12-14, 20-12-15, 20-12-16, 20-12-17, 20-12-18, and 20-12-19 are amended.
§20-12-11 Statement of purpose. The purpose of this subchapter is to reduce traffic congestion and provide for orderly parking at the University of Hawaii at Hilo campus. With increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the general public. [Eff. 6-22-81; am JUN 02 1983] (Auth: HRS §§308-1, 304-4, 306-2) (Imp. HRS §§308-1, 308-3, 306-9)
§20-12-12 Definitions. As used in this subchapter:

"Board" means the board of regents;
"Campus" means all lands owned by the University of Hawaii at Hilo;
"Chancellor" means the chancellor of the University of Hawaii at Hilo and includes authorized delegates;
"Employees" includes the faculty, staff, and line members employed at the university;
"Motor vehicle" includes but is not limited to trucks, automobiles, motor scooters, and motorcycles;
"Student" means any full-time or part-time student enrolled at the university;
"University" means the University of Hawaii at Hilo and includes all university organizations located thereupon. [Eff. 6-22-81; am JUN 92 593]
§ 20-12-13 Delegation of authority. The board delegates its authority to properly administer and manage the parking and traffic operations at the university to the chancellor. [Eff. 6-22-81; Am. JUN 02 1983] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1).
§20-12-14 Map of parking areas. A current map of the parking areas of the campus displaying the assignments of zones shall be kept at the office of the chancellor. [Eff. 6-22-81; am JUN 02 1993]

(Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1)
§20-12-15 Parking permits. The chancellor shall determine the need for and method of distributing parking permits. All university employees and students shall register and obtain appropriate parking permits for their vehicles. Parking permit fees shall be as reflected in the exhibit entitled "Parking Permit Fee Schedule" dated March 18, 1983, which is located at the end of this chapter and made a part of this section. [Eff. 6-22-81; am 7/25/82] (Auth. HRS §§308-1, 304-4, 306-2) (Imp. HRS §308-1)
§20-12-16 The chancellor's authority. The chancellor may:

(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;
(2) Provide loading zones;
(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped employees and students;
(4) Establish priorities in issuing permits to employees and students;
(5) Issue special permits to certain employees whenever the performance of their position warrants it;
(6) Install traffic control signs;
(7) Assign and change the assignment of zones and allowable times for parking in zones allocated to employees, students and others, based on availability and demand, provided that the chancellor announces in advance by appropriate media, the intent to make such change which may directly affect students or employees, so that both said groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change; and
(8) Do other things necessary to control traffic and parking. [Eff. 6-22-81; am JUN 02 1993]

(Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1)
§20-12-17 General rules. (a) This section shall govern parking and operation of motor vehicles on the campus.

(b) These rules shall be in effect twenty-four hours daily throughout the entire year. Parking on campus shall be limited to the hours between 6:00 a.m. to 12:00 midnight with the exception of dormitory resident parking which shall be in effect twenty-four hours daily.

(c) All official signs regarding parking and traffic must be observed.

(d) Parking shall be permitted only in areas marked and specified for parking on the map filed at the office of the chancellor.

(e) Any motor vehicle may be removed at the expense of the owner if it is in violation of this subchapter. Such motor vehicles may be held by the university in lieu of payment of any unpaid fines or removal and storage charges against the vehicle incurred as a result of its operation or parking on the campus. If the motor vehicle so removed is unclaimed for thirty days, the university may sell the vehicle at public auction. The university shall pay all costs of removal and storage and other costs connected with the sale out of the university revolving parking fund. The fund shall be reimbursed for costs, as well as for any unpaid fines from the proceeds of the sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of the sale are not claimed by the owner within sixty days after notice, the proceeds shall be deposited in the university revolving parking fund.

(f) Issued permits must be properly displayed on the vehicle for which the permits are issued.

(g) A permit shall be valid only for the areas designated on the permit.

(h) This subchapter shall be enforced by persons authorized by the board or the chancellor.

(i) The university shall not be responsible for fire, theft, or damage to motor vehicles or any contents therein when parking or operated on the campus. [Eff. 6-22-81; am. JUS 62 #23; ] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1)
§20-12-18 Violations and penalties. (a) Violations and their corresponding penalties shall be as reflected in the exhibit entitled "Violations and Schedule of Penalties for UH/Hilo" dated March 18, 1983, which is located at the end of this chapter and made a part of this section.

(b) Violators shall be subject to a fine or disciplinary action, or both.

(c) All fines shall be paid at the business office.

(d) Disciplinary action against employees shall be as provided under existing collective bargaining agreements.

(e) Disciplinary action against students shall be as provided under existing Board of Regents' Bylaws and Policies, Chapter 7-6c, governing the delinquent financial obligations owed the University of Hawaii. A copy is on file in the Office of Student Services. [Eff. 6-22-81; am JUD 92 fil] (Auth: HRS §§303-1, 304-4, 306-2) (Imp: HRS §§303-1, 303-3)
§20-12-19 Appeals. (a) The chancellor shall appoint a traffic review board, composed of one student, one faculty member and one staff member.

(b) Any person cited for violation may appeal to the traffic review board. The appeal must be submitted in writing to the office of the chancellor, from which the appeal shall be forwarded to the review board. Decisions on citations shall be final.

[Eff. 6-22-81; am JUN 02 1983 ] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1)
PARKING PERMIT FEE SCHEDULE
(3/18/83)

(1) Dormitory resident parking. Dormitory residents may purchase permit to park in designated areas reserved for such residents. The charge for a dormitory resident permit is $6.00 per semester or $10.00 per year.

(2) Employee parking. Faculty and staff may purchase permit to park in reserved portions of several campus parking lots. The charge for an employee parking permit is $15.00 per semester or $25.00 per year.
These amendments to Chapter 12 of Title 20, Administrative Rules on the Summary Page dated March 18, 1983, were adopted on March 18, 1983, following a public hearing held on February 8, 1983 (Hawaii), after public notices were given in the Honolulu Star-Bulletin and the Hawaii Tribune-Herald on January 12, 1983.

These amendments to Chapter 12 of Title 20 shall take effect ten days after filing with the Office of the Lieutenant Governor.

ROBERT M. FUJIMOTO
Chairman, Board of Regents
University of Hawaii

Date: April 18, 1983

APPROVED AS TO FORM:

Evelyn A. Nobuki
Deputy Attorney General

GEORGE R. ARIYOSHI
Governor
State of Hawaii

Date: 5-21-83

Filed
CHAPTER 13

USE OF UNIVERSITY-OWNED FACILITIES

$20-13-1 Purpose
$20-13-2 Delegation of authority
$20-13-3 Statement of policy
$20-13-4 Use by registered student, faculty or staff organizations
$20-13-5 Use by organizations without university affiliation
$20-13-6 Speech and assembly
$20-13-7 Solicitation
$20-13-8 Other uses
$20-13-9 Severability

§20-13-1 Purpose. The University of Hawaii is a multi-campus system of post-secondary education conducting education, research, and public service programs for the State, the nation and the world community. The responsibility of the board of regents to operate and maintain an effective and efficient university system dedicated to these pursuits requires that the facilities of the various component institutions be regulated to insure the uninterrupted conduct of their affairs. This chapter establishes guidelines for the short-term occasional use of facilities under the control of the board of regents and delegates authority to adopt practices and procedures, as appropriate, for implementation. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-2 Delegation of authority. The board delegates its authority to promulgate practices and procedures governing the use of university owned or operated facilities in accordance with this chapter to the president. The president may delegate so much of this responsibility to the chief executive officers of the institutions within the University of Hawaii system as the president deems to be within the best interest of the university. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-3 Statement of policy. The University of Hawaii is committed to furthering the educational development of the university community. In this regard, the university recognizes the importance of a wide range of student, faculty, and staff activities.
§20-13-3

This does not mean that the university endorses the philosophy or views of the organizations or individuals conducting or participating in those activities. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-4 Use by university-affiliated organizations. Registered student, faculty, or staff organizations and other university-affiliated organizations may use an institution's buildings or grounds or both in compliance with reasonable and nondiscriminatory institutional policies that shall specify the procedures under which those organizations may reserve the institution's buildings or grounds, or both, for their use. [Eff. AUG 26 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-5 Use by organizations without university affiliation. (a) The university, as a public institution, is not in competition with other institutions or commercial enterprises in the rental of facilities. There are circumstances, however, in which the nature of the activity is particularly appropriate to a campus facility. In these cases, the university may enter into rental agreements with organizations without university affiliation. Use of university grounds and physical facilities by such organizations shall be subject to this chapter.

(b) Organizations without university affiliation which intend to operate charitable, civic, community, cultural, or educational activities on a not-for-profit basis and whose activities are appropriate for designated university owned facilities may use the designated facilities where the use does not infringe upon, delay, or conflict with the normal operation of the university's campuses.

(c) The availability of the institution's facilities for functions other than the institution's own activities shall be strictly subject to the needs and the convenience of the institution, which is always to have priority in the scheduling of facilities. In the event of conflicting demands for use of the institution's facilities by organizations without university affiliation, scheduling priority shall be given to those activities which further university purposes.

(d) Organizations without university affiliation authorized to use university-owned or operated facilities shall be required to:
§20-13-7

(1) Observe established university and campus rules and policies.

(2) Indemnify, defend, and hold harmless the university and the State of Hawaii from any liability arising out of the actions of the organization or its agents incidental to the use of the facilities by the organization.

(3) Reimburse the university for any damage (beyond normal wear and tear) to the facilities resulting from their use.

(4) Compensate the university according to the terms provided in the agreement for use of university owned facilities.

(5) Provide evidence of appropriate and adequate insurance protection covering property damage, personal injury, or death arising out of the use of university owned facilities. The president or a designee may waive this requirement upon an adequate showing of responsibility by the organization.


§20-13-6 Speech and assembly. (a) The president or a designee shall designate one or more appropriate public forum areas on campus where individuals may assemble and engage in public speech activities.

(b) Individuals utilizing a designated public forum area on campus must comply with university and campus rules and policies.

(c) When a location other than a designated public forum area is utilized for public speech activities, the practices and procedures governing the time, place, and manner of such activities to be established shall be observed. [Eff. AUG 2 1982] (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)

§20-13-7 Solicitation. (a) No solicitation shall be conducted in any building, structure, facility, or on any grounds, sidewalks, or streets on the campus of any institution.

(b) The following activities shall not be deemed solicitations prohibited by this section:

(1) Sale or offer for sale of any newspaper, magazine, or other publications by means of a vending machine in an area designated by the institution, or the sale or offer for sale of such materials by individuals which is conducted in compliance with the practices and
§20-13-7

procedures governing the time, place, and manner of such activities to be established.

(2) Sale or offer for sale of any food or drink items by means of a vending machine operated by the institution or its subcontractor in an area designated by the institution.

(3) The operation by the institution or its subcontractor of any bookstore, specialty store, laundry, cafeteria, bank, barber shop, or other service facility maintained for the convenience of the students, faculty or staff.

(4) The collection of tuition, fees, and charges in connection with the operation of the institution.

(5) The collection of membership fees or dues by registered student, faculty or staff organizations.

(6) The collection of admission fees for the exhibition of movies, speakers, or other programs that are conducted or sponsored by the institution, or a registered student, faculty or staff organization.

(7) Fundraising activities sponsored by and intended to support a registered student, faculty, or staff organization or other university affiliated organizations.

(8) Fundraising activities sponsored or co-sponsored by the institution.

(9) The sale or offer for sale of any publication of the institution or of any book or other printed material to be used in the regular academic work of the institution.

(10) The sale of goods or services, admission charges, fees, or other solicitation of funds in conjunction with an activity authorized under §20-13-5 when it is established to the satisfaction of the institution that the proceeds therefrom are to be used exclusively to defray the expenses of conducting that activity.

(c) The president may except other forms of solicitation from section 20-13-7(a) if the president determines this to be in the best interest of the university. [Eff. AUG 2 6 1982 (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)]

§20-13-8 Other uses. The president or a designee shall establish practices and procedures for uses of university owned or operated facilities not covered by this chapter. [Eff. AUG 2 6 1982 (Auth: HRS §§304-2, 304-4) (Imp: HRS §§304-2, 304-4)
§20-13-9  **Severability.** If any provision of this rule, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.
Chapter 13 of Title 20, Administrative Rules, on the Summary Page dated July 16, 1982, were adopted on July 16, 1982, following public hearings held on June 29, June 30, and July 1, 1982, after public notices were given in the Honolulu Advertiser, the Hawaii Tribune-Herald, the Maui News and The Garden Island on June 7, 1982,

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

ROBERT M. FUJIMOTO
Chairman, Board of Regents
University of Hawaii

Dated: July 28, 1982

APPROVED AS TO FORM:

Edward Lin
Deputy Attorney General

GEORGE R. ARIYOSHI
Governor
State of Hawaii

Dated: 8-12-82
Rules Adopting Chapter 13 of Title 20, Administrative Rules, Relating to Use of University Owned Facilities

SUMMARY
(July 16, 1982)

1. Chapter 13 of Title 20, Administrative Rules, is adopted.
§20-14-1 Purpose; Applicability
§20-14-2 Delegation of authority; Ratification
§20-14-3 Repeal
§20-14-4 Severability

§20-14-1 Purpose; Applicability. Effective July 1, 1995, by Act 161, 1995 Session Laws of Hawaii, the Hawaii State Legislature repealed the tuition waivers granted by Hawaii Revised Statutes § 304-14 (blind persons), § 304-14.5 (senior citizens), § 304-14.6 (national guard, their spouses and dependents, and military reservists), § 304-14.7 (veterans), § 304-14.8 (participants in the teacher incentive program), and § 304-14.9 (Hawaiians), and concomitantly by Section 3 of Act 161 the Hawaii State Legislature granted to the Board of Regents or its designated representatives the authority to grant, modify, or suspend tuition waivers. In order to provide the University sufficient time to assess and establish tuition waivers for the entire University of Hawaii System, the purpose of this rule entitled "Tuition Waivers" is to authorize the continued allowance of the statutory tuition waivers repealed by Act 161 for a limited period of time. This rule shall be effective as of July 1, 1995, remain in effect through the entire 1995-96 academic year, including the 1996 summer sessions, and shall be repealed at the end of the last 1996 summer session.

§20-14-2 Delegation of authority; ratification. The Board of Regents delegates the authority to continue to grant tuition waivers described by the now repealed Haw. Rev. Stat. §§ 304-14, 304-14.5, 304-14.6, 304-14.7, 304-14.8, and 304-14.9 to the President of the University and the President's designees. This grant of authority is effective as of July 1, 1995, and shall terminate on the day following the end of the last 1996 summer session. The Board hereby ratifies all such waivers that may have been granted prior to the adoption of this rule. [Eff JAN 06 1996 ] (Auth: Act 161, 1995 SLH; HRS §§304-2, 304-4, 91-2) (Imp: Act 161, 1995 SLH)

§20-14-3 Repeal. This chapter shall be repealed effective the day following the end of the last 1996 summer session. [Eff JAN 06 1996 ] (Auth: Act 161, 1995 SLH; HRS §§ 304-2, 304-4, 91-2) (Imp: Act 161, 1995 SLH)

§20-14-4 Severability. If any provision of this rule, or the application of it to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable. [Eff JAN 06 1996 ] (Auth: Act 161, 1995 SLH; HRS §§304-2, 304-4, 91-2) (Imp: Act 161, 1995 SLH)
UNIVERSITY OF HAWAII

Chapter 20-14, Hawaii Administrative Rules, on the Summary Page dated July 21, 1995, was adopted on December 22, 1995, following a public hearing held on November 30, 1995, after public notices were given in the Honolulu Advertiser on October 24, 1995, the Hawaii Tribune-Herald on October 20, 1995, the Maui News on October 19, 1995, and the Garden Island on October 20, 1995.

The adoption of Chapter 20-14 shall take effect ten days after filing with the Office of the Lieutenant Governor.

JOSEPH F. BLANCO
Chairperson
Board of Regents
University of Hawaii

APPROVED:

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Dated: December 27, 1995

DEC 27 1995

Filed

APPROVED AS TO FORM:

Deputy Attorney General
UNIVERSITY OF HAWAII

Adoption of Chapter 20-14
Hawaii Administrative Rules

(7/21/95)

SUMMARY

Chapter 20-14, Hawaii Administrative Rules, entitled "Tuition Waivers", is adopted.

5/9/95
§20-15-1

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 15

FEES OF THE UNIVERSITY OF HAWAII

Subchapter 1 Rules of General Applicability

§20-15-1 Purpose
§20-15-2 Statement of policy
§20-15-3 Delegation of authority
§20-15-4 Severability

Subchapter 2 Agricultural Diagnostic Services
User Fees

§20-15-5 Services to be provided
§20-15-6 Fee schedule

Subchapter 3 Application fees for Graduate
Division, Law School, and Medical
School

§20-15-7 Application fee schedule
§20-15-8 University of Hawaii Graduate
Application Special Fund

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-15-1 Purpose. The purpose of this chapter
is to authorize and establish user fees for services
provided by various programs at the University of
Hawaii. [Eff 9/13/85; am and comp AUG 15, 1996
(Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8,
304-8.98) (Imp: HRS §§ 304-71, 304-2, 304-8.98)
§20-15-2 Statement of policy. The University of Hawaii recognizes that it is appropriate for the recipient of its services to be charged user fees to cover the cost of operating its programs as there is a clear and direct relationship between the services rendered and the revenue source. [Eff 9/13/85; am and comp AUG 15 1996] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8, 304-8.98) (Imp: HRS §§ 304-71, 304-2, 304-8.98)

§20-15-3 Delegation of authority. The Board of Regents delegates its authority to the President or the President's authorized designees to administer and collect the user fees established by this chapter. [Eff 9/13/85; am and comp AUG 15 1996] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8, 304-8.98) (Imp: HRS §§ 304-71, 304-2, 304-8.98)

§20-15-4 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [Eff 9/13/85; am and comp AUG 15 1996] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8, 304-8.98) (Imp: HRS §§ 304-71, 304-2, 304-8.98)

SUBCHAPTER 2

AGRICULTURAL DIAGNOSTIC SERVICES USER FEES

§20-15-5 Services to be provided. The University of Hawaii is committed to providing agricultural diagnostic services to researchers, farmers, ranchers, homeowners, and the general public. The purpose of this subchapter is to establish a schedule of user fees for agricultural diagnostic services. Services for which fees shall be charged are the testing and analyzing of soils, plant...
§20-15-7


§20-15-6 Fee schedule. The service fees to be charged are listed in the exhibit entitled "Agricultural Diagnostic Service Center Fee Schedule" dated 6/21/85 located at the end of this chapter, which is made a part of this section. [Eff 9/13/85; am and comp AUG 1 5 1996] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8) (Imp: HRS §§ 304-71, 304-2)

SUBCHAPTER 3

APPLICATION FEES FOR GRADUATE DIVISION, LAW SCHOOL, AND MEDICAL SCHOOL

§20-15-7 Application fee schedule. (a) The University of Hawaii recognizes that it is appropriate to recover from applicants the costs of processing applications to the Graduate Division graduate programs, William S. Richardson School of Law; and John A. Burns School of Medicine as there is a clear and direct relationship between the service rendered and the revenue source. The application fees to be assessed applicants to the Graduate Division's graduate programs, the law school, and the medical school shall be established in accordance with the guidelines set forth in this section.

(b) Applicants to the Graduate Division's graduate programs shall be charged the following application fee: $25.00 for U.S. citizens and permanent resident aliens domiciled in the United States, and $50.00 for non-U.S. citizens other than permanent resident aliens domiciled in the United States.

The Graduate Division's graduate students who are not enrolled in a graduate program for a period of time that exceeds one academic semester without an
§20-15-7

official leave of absence are required to apply for readmission. Applicants who are seeking readmission to a Graduate Division graduate program may be charged $15.00.

(c) Applicants to the William S. Richardson School of Law shall be charged $30.00.

(d) Applicants to the John A. Burns School of Medicine, who pass the initial screening for admission and are invited to submit a secondary application form, shall be charged $50.00 for the secondary application.

(e) Without the necessity of following the provisions of sections 91-3, 91-4, and 91-5, HRS, the President or the President’s authorized designees may increase these published application fees in order to maintain a reasonable relation between the revenues derived from such fees and the costs associated with processing applications, provided such increases are announced 30 days prior to the implementation of an increase. [Eff and comp AUG 15 1996] (Auth: HRS §§ 304-2, 304-4, 304-8.98) (Imp: HRS §§ 304-2, 304-8.98)

§20-15-8 University of Hawaii Graduate Application Revolving Fund. The revenues from the application fees established by this subchapter shall be deposited in the University of Hawaii Graduate Application Revolving Fund and be used to pay the costs of processing applications to all graduate programs. [Eff 9/13/85; am and comp AUG 15 1996] (Auth: HRS §§ 304-2, 304-4, 304-8.98) (Imp: HRS §§ 304-2, 304-8.98)
AGRICULTURAL DIAGNOSTIC SERVICE CENTER FEE SCHEDULE
(6/21/85)

I. Fixed Rate

A. $5 Service Fee (per sample)
   1. Plant Tissue Analysis for Each of the Following Single Elements: Nitrogen; Boron; Nitrates or Molybdenum
   2. Insect Pest Identification
   3. Plant or Soil Analysis for Nematodes
   4. General Diagnosis and Bioessay for Viruses and Fungi
   5. Soil, Media and Water for pH and Salinity Analysis Only

B. $10 Service Fee (per sample)
   1. Soil Fertility Analysis for pH, P, K, Ca, Mg
   2. Disease Analysis for Bacteria/Pathogens
   3. Plant and Soil Analysis for Nematodes

C. $15 Service Fee (per sample)
   1. Soil Fertility plus Salinity
   2. Plant Tissue Analysis for P, K, Ca, Mg, S, Si, Al, Na, Mn, Fe, Cu, Zn

D. $20 Service Fee (per sample)
   1. Total Elemental Analysis of Soils and Rocks (Prepared Samples)
   2. Electron Microscope for Plant Disease (Viruses)

E. $25 Service Fee (per sample)
   1. Complete Plant Tissue Analysis (including Boron)
P. $40 Service Fee (per sample)
   1. Total Elemental Analysis of Soils and Rocks (Unprepared Samples)

II. Negotiable Rate
   A. Irrigation Water and Nutrient Solution Analysis ($10 minimum per analysis)
   B. Feed & Forage Analysis ($10 minimum per analysis)
   C. Pesticide Residue Analysis ($50 minimum per analysis)
   D. Nematode Surveys ($3 minimum per sample)
   E. Unknown Pathogens ($20 minimum per analysis)
UNIVERSITY OF HAWAI'I

Amendments to and compilation of chapter 15, title 20, Hawai'i Administrative Rules, on the Summary Page dated October 20, 1995, were adopted on May 24, 1996, following public hearings held on May 9, 1996, after public notice was given in the Honolulu Advertiser on April 4, 1996, the Hawai'i Tribune Herald on April 5, 1996, Garden Island on April 5, 1996, and the Maui News on March 31, 1996.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

JOSEPH F. BLANCO
Chairperson
Board of Regents
University of Hawai'i

APPROVED:

BENJAMIN J. CAYETANO
Governor
State of Hawai'i
Dated: 7-24-96

APPROVED AS TO FORM:

Deputy Attorney General

AUG O 5 1996
Filed
Adoption of Chapter 20-15
Hawaii Administrative Rules
(6/21/85)

Summary

§20-15-1 Purpose
§20-15-2 Statement of policy
§20-15-3 Delegation of authority
§20-15-4 Services to be provided
§20-15-5 Fee schedule
§20-15-6 Severability


§20-15-2 Statement of policy. The University of Hawaii is committed to providing agricultural diagnostic services to researchers, farmers, ranchers, homeowners, and the general public. In this regard, the university recognizes that it is appropriate for the recipient of these services to be charged fees to cover the cost of operating such a program as there is a clear and direct relationship between the service rendered and the revenue source. [Eff SEP 13 1985] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8) (Imp: HRS §§ 304-71, 304-2)

§20-15-3 Delegation of authority. The board delegates its authority to the president or the president's designees to properly manage the operations of the agricultural diagnostic service center and to administer and collect the user fees established by this chapter. [Eff SEP 13 1985] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8) (Imp: HRS §§ 304-71, 304-2)
§20-15-4 Services to be provided. Services for which fees shall be charged are the testing and analyzing of soils, plant tissues, feeds and forages, plant diseases, residue, pest, insect, and other services. [Eff SEP 13 85] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8) (Imp: HRS §§ 304-71, 304-2)

§20-15-5 Fee schedule. The service fees to be charged are listed in the exhibit entitled "Agricultural Diagnostic Service Center Fee Schedule" dated 6/21/85 located at the end of this chapter, which is made a part of this section. [Eff SEP 13 85] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8) (Imp: HRS §§ 304-71, 304-2)

§20-15-6 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [Eff SEP 13 85] (Auth: HRS §§ 304-71, 304-2, 304-4, 304-5, 304-8) (Imp: HRS §§ 304-71, 304-2)
AGRICULTURAL DIAGNOSTIC SERVICE CENTER FEE SCHEDULE
(6/21/85)

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   1. Plant Tissue Analysis for Each of the Following Single Elements: Nitrogen; Boron; Nitrates or Molybdenum
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   3. Plant or Soil Analysis for Nematodes
   4. General Diagnosis and Bioessay for Viruses and Fungi
   5. Soil, Media and Water for pH and Salinity Analysis Only

B. $10 Service Fee (per sample)
   1. Soil Fertility Analysis for pH, P, K, Ca, Mg
   2. Disease Analysis for Bacteria/Pathogens
   3. Plant and Soil Analysis for Nematodes

C. $15 Service Fee (per sample)
   1. Soil Fertility plus Salinity
   2. Plant Tissue Analysis for P, K, Ca, Mg, S, Si, Al, Na, Mn, Fe, Cu, Zn

D. $20 Service Fee (per sample)
   1. Total Elemental Analysis of Soils and Rocks (Prepared Samples)
   2. Electron Microscope for Plant Disease (Viruses)

E. $25 Service Fee (per sample)
   1. Complete Plant Tissue Analysis (including Boron)
F. **$40 Service Fee (per sample)**

1. Total Elemental Analysis of Soils and Rocks (Unprepared Samples)

II. **Negotiable Rate**

A. Irrigation Water and Nutrient Solution Analysis ($10 minimum per analysis)

B. Feed & Forage Analysis ($10 minimum per analysis)

C. Pesticide Residue Analysis ($50 minimum per analysis)

D. Nematode Surveys ($3 minimum per sample)

E. Unknown Pathogens ($20 minimum per analysis)
SUMMARY

1. Title of chapter 15 is amended.

2. §§ 20-15-1 to 20-15-6 are amended.


4. Chapter 15 is compiled.
Chapter 20-15, Hawaii Administrative Rules, on the Summary page dated June 21, 1985, was adopted on June 21, 1985, following public hearings held on March 5, 6, 7, and 8, 1985, after public notices were given in the Honolulu Advertiser, The Hawaii Tribune-Herald, The Garden Island, and Maui News on February 11, 1985.

The adoption of Chapter 20-15 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Julia Prindle
Chairman, Board of Regents
University of Hawaii

APPROVED AS TO FORM:

Hiram Greidanus
Deputy Attorney General

GEORGE R. ARiyosk
Governor
State of Hawaii
Date: September 3, 1985

Filed