

UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-12
Hawaii Administrative Rules

(November 16, 2017)

SUMMARY

1. §§20-12-1 to 20-12-3 are amended.
2. §§20-12-4 to 20-12-6 are repealed.
3. §§20-12-7 to 20-12-8 are amended.
4. §20-12-9 is repealed.
5. §20-12-10 is amended.
6. Subchapter 2, consisting of §§20-12-11 to 20-12-19, is repealed.
7. Subchapter 3, consisting of §§20-12-20 to 20-12-30, is repealed.
8. Subchapter 4, consisting of §§20-12-31 to 20-12-41, is repealed.
9. Subchapter 5, consisting of §§20-12-42 to 20-12-51, is repealed.
10. Subchapter 6, consisting of §§20-12-52 to 20-12-61, is repealed.
11. Subchapter 7, consisting of §§20-12-62 to 20-12-71, is repealed.
12. Chapter 20-12 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 12

PARKING AND OPERATION OF MOTOR VEHICLES

§20-12-1	Statement of purpose
§20-12-2	Definitions
§20-12-3	Delegation of authority
§20-12-4	Repealed
§20-12-5	Repealed
§20-12-6	Repealed
§20-12-7	General rules
§20-12-8	Parking permits, violations, fees, and penalties
§20-12-9	Repealed
§20-12-10	Appeals process, information requests and submittals, and petitions for declaratory rulings

Subchapter 2 University of Hawaii at Hilo -
Repealed

§20-12-1

§§20-12-11 to 20-12-19 Repealed

Subchapter 3 Honolulu Community College -
Repealed

§§20-12-20 to 20-12-30 Repealed

Subchapter 4 Kapiolani Community College -
Repealed

§§20-12-31 to 20-12-41 Repealed

Subchapter 5 Leeward Community College - Repealed

§§20-12-42 to 20-12-51 Repealed

Subchapter 6 Kauai Community College - Repealed

§§20-12-52 to 20-12-61 Repealed

Subchapter 7 Maui Community College - Repealed

§§20-12-62 to 20-12-71 Repealed

[Note: Subchapter 1 heading repealed.

R **MAR 18 2018**]

§20-12-1 **Statement of purpose.** The purpose of this chapter is to properly administer parking and traffic operations for vehicles on the roadways and in the parking areas under the jurisdiction of the university. These rules are intended for the safety and general welfare of the university community and the public at large. [Eff 6/22/81; am 4/1/93; am and



comp **MAR 1 8 2018**] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2602, 304A-2681)

§20-12-2 **Definitions.** As used in this chapter:

"Board" refers to the board of regents of the University of Hawaii.

"Campus" refers to each of the following major organizational units of the university:

- (1) University of Hawaii at Manoa, including the East-West Center and the Kakaako Campus;
- (2) University of Hawaii at Hilo;
- (3) University of Hawaii - West Oahu;
- (4) Honolulu Community College;
- (5) Kapiolani Community College;
- (6) Leeward Community College;
- (7) Windward Community College;
- (8) Kauai Community College;
- (9) University of Hawaii - Maui College;
- (10) Hawaii Community College; and
- (11) Any other major organizational unit of the university identified as a campus by the board.

"Chancellor" refers to the chancellor of the respective campus and shall include the chancellor's authorized designee.

"Driver" has the same meaning as in section 291C-1, HRS.

"Employees" refers to and shall include the faculty, staff, and graduate students employed at the university.

"Parking board" refers to the parking board of review for each campus, consisting of at least one student, one faculty member, and one staff member.

"Pedestrian" has the same meaning as in section 291C-1, HRS.

"President" means the president of the University of Hawaii.

"Special events" refers to events on each 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.

"Vehicle" has the same meaning as in section 291C-1, HRS. [Eff 6/22/81; am 4/1/93; am 12/18/00; am and comp **MAR 18 2018**] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2602, 304A-2681)

§20-12-3 **Delegation of authority.** Except as otherwise reserved for the board in section 20-12-8, the board delegates its authority to properly administer and manage the parking and traffic operations at each respective campus to the president. The president 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, disabled employees and students, and special events at the campus;
- (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 for the campus; and
- (6) Perform other action as necessary to regulate traffic and parking.

The president is authorized to delegate any of the president's power to the chancellors of the respective campuses. [Eff 6/22/81; am 4/1/93; am and comp **MAR 18 2018**

] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2681)

§20-12-4 Repealed. [R MAR 18 2018]

§20-12-5 Repealed. [R MAR 18 2018]

§20-12-6 Repealed. [R MAR 18 2018]

§20-12-7 **General rules.** (a) Area of authority. These rules shall govern parking and operation of vehicles on each campus.

(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire calendar year.

(c) All drivers and pedestrians on campus shall adhere to, and be subject to fines in accordance with, all applicable state and local traffic laws and this chapter.

(d) Signs. Drivers and pedestrians shall adhere to all officially posted signs regarding traffic and parking.

(e) Removal. Any vehicle may be removed at the expense of the owner if it is in violation of this chapter. The registered owner of any vehicle so removed shall be responsible for and pay all costs incurred in the towing, storage, and disposal of the vehicle.

(f) To the extent permitted by law, the university shall not be responsible or liable for fire, theft, or damages to vehicles or any contents therein when parked or operated on any campus. [Eff 6/22/81; am 4/1/93; am 12/18/00; am and comp

MAR 18 2018

] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2681)

§20-12-8 **Parking permits, violations, fees, and penalties.** (a) The board may establish fees for parking permits and for hourly or daily parking on the roadways and in the parking areas under the jurisdiction of the university. Parking fees shall be established at an open meeting of the board in accordance with the requirements of chapter 92, HRS.

(b) Violations and their corresponding fines and penalties for nonpayment shall be as set forth in Attachment 1, entitled "Violations and Schedule of Fines and Penalties for Non-Payment for the University of Hawaii Campuses", dated November 17, 2016, and located at the end of this chapter. Violators may be subject to any or all of the following: citation, fines, non-payment penalties, and removal of vehicle. University employees or students may also be subject to additional penalties in accordance with university policies.

(c) Non-payment penalties may be imposed if the fine is not paid or appealed within fifteen days after the issuance of the citation, as set forth in Attachment 1, entitled "Violations and Schedule of Fines and Penalties for Non-Payment for the University of Hawaii Campuses", dated November 17, 2016, and located at the end of this chapter.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The permit holder, the registered owner, or the driver of the vehicle shall be subject to the applicable fines and penalties described in subsections (b) and (c).

(f) All fines and penalties shall be paid at the parking office, business office, administration office, or at any other office as the chancellor of the applicable campus designates. [Eff 6/22/81; am 4/01/93; am 12/18/00; am 08/21/09; am and comp

MAR 18 2018

] (Auth: HRS §§304A-104, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2602, 304A-2681)

§20-12-9 Repealed. [R **MAR 18 2018**]

§20-12-10 Appeals process, information requests and submittals, and petitions for declaratory rulings.

(a) Any university employee or student shall follow the appeals process established by the chancellor of the campus issuing the citation. All others, including any member of the public, shall follow the appeals process set forth in this section.

Requests for formal hearings shall be submitted in writing within seven days after issuance of the citation on a form to be provided by the campus. These forms shall be made available by the parking office, business office, administration office, or by any other office as the chancellor of each campus designates.

(b) The following rules of practice on parking and traffic matters including both informal and formal procedures are adopted:

- (1) Informal procedures. Persons who believe that they have received a parking or traffic citation in error or whose vehicle was removed by the campus may file a written request for an informal review with the parking manager or other authorized person designated to manage the campus' parking and traffic program within fifteen days of the issuance of the citation or of the removal of a vehicle. The authorized person may waive the filing deadline for good cause shown. The authorized person may void citations, waive towing and storage charges, and reduce the fine imposed upon review of the facts of each case and upon a written

finding that the parking or traffic citation was improperly issued or that the person did not know of the citations or notice so as to contest them within fifteen days of issuance. The authorized person's written decision shall be final and binding and no further appeal is permitted; and

- (2) Formal procedures. A person requesting a formal 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. The hearing under this section shall be treated as a contested case hearing under chapter 91, Hawaii Revised Statutes, and shall be conducted in accordance with the statutory requirements for contested case hearings, as follows:
 - (A) The hearing shall be conducted by a hearing officer appointed by the parking board;
 - (B) Upon receipt of a written request for a formal hearing, the hearing officer shall issue a written notice, which notice shall include a statement of:
 - (i) The date, time, place, and nature of hearing;
 - (ii) The legal authority under which the hearing is to be held;
 - (iii) The particular sections of the statutes, rules, and procedures involved;
 - (iv) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof, provided that if the hearing officer is unable to state the issues and facts 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; and

- (v) The fact that any party may retain counsel if so desired.

The written notice of hearing shall be provided to all parties to the proceeding at least fifteen days before the hearing;

- (C) Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct a 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) 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 preserving a record of the proceedings before the hearing officer, the proceedings shall be either tape-recorded or recorded verbatim by a certified shorthand reporter. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, board review, or court review;
- (F) Within a reasonable time following the closure of the hearing on the contested case, the hearing officer shall submit findings of fact and conclusions of law to, and prepare a proposed decision on the case as a recommendation for, the parking board and to the parties. If a party is adversely affected by the proposed decision, the party may file written exceptions and present written

or oral arguments to the parking board. Any exceptions and written arguments shall be filed not more than fifteen days from the date of the proposed decision with the parking office, business office, administration office, or any other office as the chancellor of the campus handling the formal hearing designates. The parking board shall provide the parties with an opportunity to present oral arguments at an adjudicatory meeting of the parking board;

- (G) In rendering the final decision, the parking board shall personally consider the whole record of the contested case or the portions thereof as may be cited by the parties. No matters outside the record shall be considered by the parking board in making a decision, except as provided in this chapter;
- (H) 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;
- (I) If 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; and

(J) Appeals from the final decision of the parking board rendered in a contested case under this chapter shall be in accordance with chapter 91, HRS.

(c) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the parking office, business office, administration office, or such other office as the chancellor of the respective campus designates.

(d) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of vehicles on any campus shall be in the form of a letter to the chancellor of the respective campus 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 chancellor shall render in writing a declaratory ruling or other order disposing of the matter. [Eff 6/22/81; am 4/1/93, am and comp

] (Auth: HRS §§91-6, 91-8, 304A-105, 304A-2601, 304A-2672) (Imp: §§91-6, 91-8, 304A-105, 304A-2601, 304A-2681)

MAR 18 2018

Attachment 1

**VIOLATIONS AND SCHEDULE OF FINES AND PENALTIES FOR
 NON-PAYMENT
 FOR THE UNIVERSITY OF HAWAII CAMPUSES**

Violations and Schedule of Fines and Penalties for
 Non-Payment:

		Original Fine	15-Day Non-Payment Penalty
(1)	Parking in prohibited areas including but not limited to the following: -lawns, planted areas, and grounds under repair; -median strips, sidewalks, driveways, and crosswalks; -No parking areas or along curbs painted red; -(obstructing) fire hydrants or (parking in) fire lanes; -(obstructing) vehicular or pedestrian traffic; -official bus or shuttle stops.	\$40.00	\$50.00
(2)	Parking in an area not designated for that specific type of vehicle.	40.00	50.00
(3)	Operating or parking a vehicle within a university building.	40.00	50.00

		Original Fine	15-Day Non-Payment Penalty
(4)	Double parking or vehicles not placed wholly within the lines or boundaries of the parking space.	40.00	50.00
(5)	Parking in a reserved stall.	50.00	60.00
(6)	Using a disabled placard, but refusing to present a valid identification card issued under Chapter 291, Hawaii Revised Statutes, to an enforcement officer upon request.	260.00	270.00
(6a)	<p>Parking in a space reserved for persons with disabilities and:</p> <p>(i) Failing to properly display a windshield placard or special license plate authorizing use of such parking space in accordance with Part III of Chapter 291, Hawaii Revised Statutes; or</p> <p>(ii) Displaying an invalid windshield placard or special license plate; or</p> <p>(iii) Using a windshield placard or special</p>		

		Original Fine	15-Day Non-Payment Penalty
	license plate that was not issued to the driver or to any passengers occupying the vehicle in the parking space.	260.00	270.00
(6b)	Parking in a space reserved for persons with disabilities by a person who has been issued a valid windshield placard or special license plate that is currently in effect, but failing to properly display the windshield placard or special license plate.	260.00	270.00
(6c)	With or without a valid windshield placard or special license plate: (i) Parking in an access aisle adjacent to a parking space reserved for persons with a disability; or (ii) Obstructing the ingress or egress to a parking space reserved for persons with a disability.	260.00	270.00

		Original Fine	15-Day Non-Payment Penalty
(6d)	Parking in a space reserved for persons with disabilities and refusing or failing to present an identification card issued under Chapter 291, Hawaii Revised Statutes, or the rules adopted thereunder to an enforcement officer upon request.	260.00	270.00
(7)	Parking in a loading zone longer than 15 minutes.	50.00	60.00
(8)	Parking in the wrong zone.	40.00	50.00
(9)	Parking without a permit.	40.00	50.00
(10)	Failure to display a permit or displaying it at an improper location.	40.00	50.00
(11)	Failure to pay the hourly or daily parking rate.	40.00	50.00
(12)	Falsifying information on an application.	50.00	60.00
(13)	Displaying or using an invalid permit or pass.	40.00	50.00
(14)	Possessing or using a counterfeit, altered, defaced, illegally transferred, or stolen permit.	100.00	110.00


		Original Fine	15-Day Non-Payment Penalty
(15)	Driving on areas other than streets, roads, or parking areas.	97.00	107.00
(16)	Exceeding the 15 mph or other posted speed limits on campus.	97.00	107.00
(17)	Reckless driving (operating a vehicle in disregard of the safety of persons or property).	97.00	107.00
(18)	Failure to heed the directions of a duly authorized officer.	97.00	107.00
(19)	Failure to heed the directions of an official sign and/or symbols.	97.00	107.00
(20)	Moving violations of the applicable county traffic code not otherwise specified herein.	97.00	107.00
(21)	Parking or operating a bicycle or moped in violation of the applicable county traffic code (not otherwise specified herein).	72.00	82.00
(22)	Failure to make a complete stop at an official stop sign.	97.00	107.00

		Original Fine	15-Day Non-Payment Penalty
(23)	Transporting a bicycle, moped, or motorcycle in an elevator.	40.00	50.00
(24)	Damaging campus signs, parking gates, or parking appurtenances.	100.00 + cost of repair or replacement	110.00 + cost of repair or replacement
(25)	Repeat violation of parking regulations.	100.00	110.00
(26)	Vehicle or its alarm system making excessive or unusual noise (noise in excess of the usual noise which would necessarily result from the operation of a vehicle when reduced to the minimum by a muffler) or causing a disturbance, or both.	72.00	82.00
(27)	Moving any barricade or parking within any barricaded area.	97.00	107.00

UNIVERSITY OF HAWAII


Amendments to and compilation of chapter 20-12, Hawaii Administrative Rules, on the Summary Page dated November 16, 2017 were adopted on November 16, 2017 following a public hearing held on October 19, 2017, after public notice was given in the Honolulu Star-Advertiser on September 18, 2017.

The amendment and compilation of chapter 20-12 shall take effect ten days after filing with the Office of the Lieutenant Governor.



JAN NAOE SULLIVAN
Chairperson, Board of Regents
University of Hawaii

APPROVED:



DAVID Y. IGE
Governor
State of Hawaii

Dated: 03-08-2018

Filed

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LIEUTENANT GOVERNOR'S
OFFICE

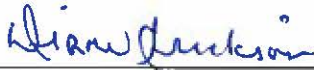
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