

UNIVERSITY OF HAWAI'I

Amendments to Chapter 20-12
Hawai'i Administrative Rules
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1. Section 20-12-5, Hawai'i Administrative Rules, is amended to read as follows:

§20-12-5 Application procedure.

- (a) Application for parking permits. Any employee or student seeking a parking permit shall complete an online parking permit application or 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] residency ([dorm] student residents).

[Eff 6/22/81; am 4/01/93; am DEC 18 2000] (Auth: HRS
| §§304-4, 306-2, 308-1) (Imp: _§§294-10, 304-4, 306-9, 308-
1)

- (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; am APR 01 1993] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§294-10, 304-4, 306-9, 308-1)

2. Section 20-12-6, Hawai'i Administrative Rules, is amended to read as follows:

§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)
- (6) Establish fees for permits, passes, daily and hourly parking, and reserved parking.

3. Section 20-12-8, Hawai'i Administrative Rules, is amended to read as follows:

§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 Exhibit A, entitled "Regular Parking Fees for UH/Manoa" dated

_____, 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 12/18/00; am AUG 21 2009] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

4. Section 20-12-9, Hawai'i Administrative Rules, is amended to read as follows:

§20-12-9 Violations and penalties.

- (a) Violations and their corresponding penalties shall be as reflected in Exhibit B, entitled "Violations and Schedule of Penalties for UH/Manoa" dated _____, 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] 15 days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Manoa" dated _____.
- (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 12/18/00; am AUG 21 2009] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1, 308-3)

5. Section 20-12-10, Hawai'i Administrative Rules, is amended to read as follows:

§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 or submitted online within [seven] 15 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 or at the parking office website.
- (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] 15 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] 15 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 Hawai'i 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 Hawai'i 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)

EXHIBIT A
 REGULAR PARKING FEES FOR UH/MĀNOA
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		<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
(a) Parking Permits				
(1) Employee (Upper Campus)				
FY	[2010	\$175.00	\$175.00	\$525.00]
	[2011 and thereafter	193.00	193.00	579.00]
	2013	\$251.00	\$251.00	\$753.00
	2014	289.00	289.00	867.00
	2015	304.00	304.00	912.00
	2016	320.00	320.00	960.00
	2017 and thereafter	336.00	336.00	1008.00
(2) Employee (Lower Campus)				
FY	[2010	\$129.00	\$129.00	\$387.00]
	[2011 and thereafter	142.00	142.00	426.00]
	2013	\$178.00	\$178.00	\$534.00
	2014	205.00	205.00	615.00
	2015	216.00	216.00	648.00
	2016	227.00	227.00	681.00
	2017 and thereafter	239.00	239.00	717.00
(3) The president, chancellor, vice presidents, vice chancellors, deans, and directors of major research institutes may, upon approval and payment of an additional fee in the amount of [50%] <u>100%</u> of the established fee, be provided with one reserved parking stall as determined by the Parking Office.				
(4) Student Permits				
[FY	2010	\$129.00	\$129.00	\$387.00]
	[2011 and thereafter	142.00	142.00	426.00]
FY	2013	\$157.00	\$157.00	\$471.00
	2014	165.00	165.00	495.00
	2015	174.00	174.00	522.00

Attachment 4
Chapter 20-12
Regular Parking Fees for UH/Mānoa
(Ramseyer)

<u>2016</u>	<u>183.00</u>	<u>183.00</u>	<u>549.00</u>
<u>2017 and thereafter</u>	<u>193.00</u>	<u>193.00</u>	<u>579.00</u>

(5) Evening Permits (per month)

[FY	2010	\$21.00]	
	[2011 and thereafter	24.00]	

(a) Employees:

FY	<u>2013</u>	<u>\$32.00</u>	
	<u>2014</u>	<u>37.00</u>	
	<u>2015</u>	<u>39.00</u>	
	<u>2016</u>	<u>41.00</u>	
	<u>2017 and thereafter</u>	<u>44.00</u>	

(b) Students:

FY	<u>2013</u>	<u>\$27.00</u>	
	<u>2014</u>	<u>29.00</u>	
	<u>2015</u>	<u>31.00</u>	
	<u>2016</u>	<u>33.00</u>	
	<u>2017 and thereafter</u>	<u>35.00</u>	

(6) Moped/Motorcycle Permits (Employees and Students)

		<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
[FY	2010	\$27.00	\$27.00	\$81.00]
	[2011 and thereafter	30.00	30.00	90.00]

(a) Employees:

FY	<u>2013</u>	<u>\$39.00</u>	<u>\$39.00</u>	<u>\$117.00</u>
	<u>2014</u>	<u>45.00</u>	<u>45.00</u>	<u>135.00</u>
	<u>2015</u>	<u>48.00</u>	<u>48.00</u>	<u>144.00</u>
	<u>2016</u>	<u>51.00</u>	<u>51.00</u>	<u>153.00</u>
	<u>2017 and thereafter</u>	<u>54.00</u>	<u>54.00</u>	<u>162.00</u>

(b) Students:

FY	2013	\$33.00	\$33.00	\$99.00
	2014	35.00	35.00	105.00
	2015	37.00	37.00	111.00
	2016	39.00	39.00	117.00
	2017 and thereafter	41.00	41.00	123.00

(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 disabled persons.

EXHIBIT B

VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/MĀNOA
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(a) Violations and Schedule of Penalties:

	<u>Original</u>	<u>[7-Day]</u>
<u>Fine</u>		<u>15-Day</u>
		<u>Non-Payment</u>
		<u>Penalty</u>
(1) Parking in prohibited areas including but not limited to the following: -lawns, planted areas, and grounds under repair; -medial strips, sidewalks, driveways, and crosswalks; -"No Parking" areas or along curbs painted red; -(obstructing) fire hydrant or (parking in) fire lane; -(obstructing) vehicular or pedestrian traffic; -official bus or shuttle stop.....	[\$15.00 <u>\$35.00</u>	\$25.00] <u>\$45.00</u>
(2) Parking in area not designated for that specific type of vehicle.....	[15.00 <u>35.00</u>	25.00] <u>45.00</u>
(3) Operating or parking a motor vehicle of any type, moped, motorcycle, or bicycle within a University building.	[15.00 <u>35.00</u>	25.00] <u>45.00</u>

Attachment 6
 Chapter 20-12
 Violations and Schedule
 of Penalties for UH/Manoa
 (Ramseyer)

(4) Double parking or motor vehicles not placed wholly within the lines or boundaries of the parking space.....	[15.00	25.00]
	35.00	45.00

(5) Parking in a reserved stall.....	[25.00	35.00]
	<u>50.00</u>	<u>60.00</u>

[(6a)] (6) Persons using a disabled placard who refuse to present a valid identification card issued under chapter 291, Hawai'i Revised Statutes, to an enforcement officer upon their request.....	[150.00	160.00]
	<u>260.00</u>	<u>270.00</u>

(6a) Parking in a space reserved for persons with disabilities and:

(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, Hawai'i Revised Statutes [Statues]; or

(ii) Displaying an invalid windshield placard or special license plate; or

(iii) Using a windshield placard or special license plate that was not issued to the driver or to any

passengers occupying the vehicle in the parking space.....	[250.00	260.00]
	<u>260.00</u>	<u>270.00</u>

(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	[25.00	35.00]
	<u>260.00</u>	<u>270.00</u>

(6c) With or without a
windshield placard or
special license plate:

(i) Parking in an access
aisle adjacent to a
parking space reserved
for a person with a
disability; or

(ii) Obstructing the ingress or egress to a parking space reserved for a person with a disability.....	[250.00	260.00]
	<u>260.00</u>	<u>270.00</u>

(6d) Parking in a space reserved for persons with disabilities and refusing or failing to present an identification card issued under Chapter 291, Hawai`i Revised Statutes, or the rules adopted thereunder to an enforcement officer upon request.....	[250.00	260.00]
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Attachment 6
 Chapter 20-12
 Violations and Schedule
 of Penalties for UH/Manoa
 (Ramseyer)

	<u>260.00</u>	<u>270.00</u>
(7) Parking in a loading zone longer than 15 minutes.....	[25.00	35.00]
	50.00	<u>60.00</u>
(8) Parking in wrong zone.....	[15.00	25.00]
	35.00	<u>45.00</u>
(9) Parking without a permit..	[15.00	25.00]
	40.00	<u>50.00</u>
(10) Failure to display permit or displaying it at an improper location.....	[15.00	25.00]
	40.00	<u>50.00</u>
(11) Failure to pay daily parking rate.....	[15.00	25.00]
	40.00	<u>50.00</u>
(12) Falsifying information on an application.....	[20.00	30.00]
	50.00	<u>60.00</u>
(13) Displaying or using invalid permit or pass.....	[20.00	30.00]
	35.00	<u>45.00</u>
(14) Possessing or using counterfeit, altered, defaced, illegally transferred, or stolen permit.....	[25.00	35.00]
	100.00	<u>110.00</u>
(15) Driving on areas other than streets, roads, or parking areas.....	[15.00	25.00]
	97.00	<u>107.00</u>
(16) Exceeding the 15 mph or other posted speed limits on campus.....	[20.00	30.00]
	97.00	<u>107.00</u>
(17) Reckless driving.....	[20.00	30.00]
	97.00	<u>107.00</u>
(18) Failure to heed directions of a duly authorized officer..	[25.00	35.00]
	97.00	<u>107.00</u>

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(19) Failure to heed directions
 on an official sign and/or
 symbols.....[15.00 25.00]
97.00 107.00

(20) Moving violations of the
 City & County of Honolulu Traffic
 code not otherwise specified
 in these regulations.....[15.00 25.00]
97.00 107.00

(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]
72.00 82.00

(22) Failure to make a complete
 stop at an official "STOP"
 sign.....[20.00 30.00]
97.00 107.00

(23) Transporting a bicycle,
 moped, or motorcycle in an
 elevator.....[15.00 25.00]
35.00 45.00

(24) Damaging campus signs,
 parking gates, or parking
 appurtenances.....[25.00 35.00]
100.00 110.00
 + cost of repair
 or replacement

(25) Repeat or flagrant
 violation of parking
 regulations.....[25.00 35.00]
100.00 110.00

(26) Motor vehicle or its alarm
 system making excessive noise
 and/or causing a disturbance..[15.00 25.00]
72.00 82.00

(27) Moving any barricade or parking within any barricaded area.....	[15.00	25.00]
	<u>97.00</u>	<u>107.00</u>

- (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.