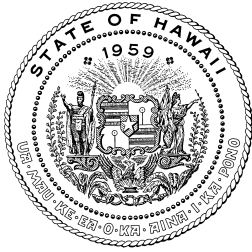


Small Business Regulatory Review Board Meeting

April 23, 2026

10:00 a.m.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813
Mailing Address: P.O. Box 2359, Honolulu, HI 96804
Email: dbedt.sbrrb.info@hawaii.gov
Website: sbrrb.hawaii.gov

Tel: 808 798-0737

AGENDA

Thursday, April 23, 2026 ★ 10:00 a.m.
250 South Hotel Street
No. 1 Capitol District Building Room
436 Honolulu, HI 96813

As authorized under Act 220, Session Laws of Hawaii 2021, and Section 92-3.7 Hawaii Revised Statutes (HRS), the public can participate in the meeting either:

A. By attending the in-person meeting at:
250 S. Hotel Street, Room 436, Honolulu HI; or

B. Via Video-audio livestream or via Telephone - to join the Video-audio livestream meeting, go to:

<https://us06web.zoom.us/j/88400776199?pwd=4wAvlu4if7kz65ioBZWDXgpG4KIKJ8.1>

C. To Join via Telephone: Dial 1-669-900-6833 with Meeting ID 883 5814 0200 Passcode 066739

When the Chairperson asks for public testimony during the meeting, you may indicate that you want to provide oral testimony by using the raise hand function or, if calling in by telephone, entering * and 9 on your phone keypad. When recognized by the Chairperson, you will be unmuted. If you call in by phone, you can unmute and mute yourself by pressing * and 6 on your keypad.

Members of the public may also submit written testimony via e-mail to: DBEDT.sbrrb.info@hawaii.gov or mailed to SBRRB, No. 1 Capitol District Building, 250 S. Hotel Street, Room 506, Honolulu, HI 96813, or P.O. Box 2359, Honolulu, HI 96804. The Board requests that written testimony be received by Wednesday, April 22, 2026, so it may be distributed to Board members prior to the meeting. Testimony received after that time will be distributed to the Board members at the meeting.

Copies of the Board Packet will be available on-line for review at: [Agendas & Minutes – Small Business Regulatory Review Board \(hawaii.gov\)](#) and in-person at 250 South Hotel Street, Room 506, Honolulu, HI 96813 during regular business hours. An electronic draft of the minutes for this meeting will also be made available at the same location when completed.

The Board may go into Executive Session under Section 92-5 (a)(4), HRS to Consult with the Board's Attorney on Questions and Issues Concerning the Board's Powers, Duties, Immunities, Privileges and Liabilities.

Josh Green, M.D.
Governor

Sylvia Luke
Lt. Governor

James Kunane
Tokioka
DBEDT Director

Dane K. Wicker
DBEDT Deputy
Director

Members

Jonathan Shick
Chairperson
O'ahu

Sanford Morioka
Vice Chairperson
O'ahu

Mary Albitz
2nd Vice Chairperson
Maui

James (Kimo) Lee
Hawai'i

Leelen Park
Hawai'i

Tessa Gomes
O'ahu

Cynthia Hobson
O'ahu

Nikki Ige
Kaua'i

Dr. Jennifer Salisbury
Maui

Director, DBEDT
Voting Ex Officio

- I. **Call to Order**
- II. **Approval of March 19, 2026 Meeting Minutes**
- III. **Old Business**
 - A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments for Hawaii Administrative Rules (HAR) Title 12 Chapter 229, **General, Administrative, and Legal Provisions** promulgated by Department of Labor and Industrial Relations – *Discussion Leader – Mary Albitz*
- IV. **Regulation for Review**
 - A. Re-Discussion and Action on the Small Business Impact Statement Before and After Public Hearing for HAR Title 13 Chapter 146-6, **Fees**, promulgated by Department of Land and Natural Resources – *Discussion Leader – Jonathan Shick*
- V. **Administrative Matters**
 - A. Update on the Board’s Upcoming Advocacy Activities and Programs in accordance with the Board’s Powers under Section 201M-5, Hawaii Revised Statutes (HRS)
 1. Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force’s most recent meeting pursuant to Act 133 to identify actions taken challenges encountered, and legislative measures necessary to facilitate, expediate, and coordinate state and intergovernmental permit processes; and appropriates funds
 2. Becker Communications Inc., regarding the Board’s Small Business Outreach
 3. Presentations to Industry Associations
 4. Staff’s Small Business Outreach
- VI. **Legislative Matters**
 - A. Discussion and Update on the following legislative matters:
 1. **House Bill 1964 HD1 Relating to the State Building Code Council** – Requires the State Building Code Council to provide annual training to state and county permitting agency employees. Appropriates funds for the training, subject to a matching requirement from the counties.
 2. **House Bill 1967 HD1 Relating to Permitting** – Requires the Department of Business, Economic Development, and Tourism to develop a permitting workforce pipeline in partnership with the University of Hawaii and community colleges and coordinate with state and county permitting agencies on certain tasks related to classification levels, salary and benefits, hiring and responsibilities of employees. Appropriates funds.
 3. **House Bill 2606 HD2 Relating to Off-Site Construction** – Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Appropriates funds.
 4. **Governor’s Message 612** Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, **Leelen Park**, for a term to expire June 30, 2029
 5. **Governor’s Message 613** Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, **Cynthia Hobson**, for a term to expire June 30, 2029
 6. **Governor’s Message** Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, **Denver Coon**, for a term to expire June 30, 2032

VII. Next Meeting: Thursday, May 21, 2026 at 10:00 a.m., held via Zoom and at 250 South Hotel Street – No. 1 Capitol District Building, Conference Rm 436, Honolulu, HI 96813

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Jet'aime Ariola at 808 798-0737 and jetaime.k.ariola@hawaii.gov as soon as possible, preferably at least three (3) working days prior to the meeting. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

II. Approval of March 19, 2026 Meeting Minutes

Small Business Regulatory Review Board

MEETING MINUTES - **DRAFT**

March 19, 2026

- I. **CALL TO ORDER:** Chair Shick called the meeting to order at 1:01 p.m., with a quorum present.

MEMBERS PRESENT:

- Jonathan Shick, Chair
- Sanford Morioka, Vice Chair
- Mary Albitz, Second Vice Chair
- Dr. Jennifer Salisbury
- Tessa Gomes
- David Sikkink
- Nicolle Ige
- Leelen Park
- Cynthia Hobson

ABSENT MEMBERS:

- James (Kimo) Lee

STAFF: DBEDT

Dane Wicker,
Deputy Director
Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL of FEBRUARY 19, 2026, MINUTES**

Second Vice Chair Albitz motioned to approve the February 19, 2026, meeting minutes as presented. Mr. Park seconded the motion and the Board members unanimously agreed.

III. **WELCOME REMARKS BY HONORABLE MAUI MAYOR RICHARD BISSEN, JR.**

Chair Shick introduced DBEDT Deputy Director Mr. Dane Wicker, and honorable guest Maui Mayor Richard Bissen who thanked the members and his staff for assisting in preparing for this board meeting. He recognized that being in Maui is quite significant particularly because of the weather and rainy conditions.

As Lahaina and Kula are currently being rebuilt, the small businesses, who are the backbone of the economy, are a significant part of that recovery. He stated that this Board's role is to reduce barriers to be more efficient and more responsive to ultimately create more opportunities for all of Maui's local entrepreneurs, which is a shared goal.

Mayor Bissen read the following Proclamation:

WHEREAS, small businesses form the backbone of Hawaii's economy, representing more than 90 percent of all businesses statewide and providing vital jobs, services and opportunities for families throughout Maui County; and
WHEREAS, local entrepreneurs contribute to the strength and character of our communities by creating innovation, supporting local industries and helping sustain a resilient island economy; and
WHEREAS, fostering a fair and balanced regulatory environment helps small businesses grow, compete and continue serving as an essential part of Hawaii's economic foundation; and
WHEREAS, the State of Hawaii Small Business Regulatory Review Board works to ensure that the voices of small businesses are heard in the development and implementation of administrative rules that affect their operations; and
WHEREAS, the Board's first neighbor-island meeting represents an important opportunity to engage directly with business owners and community leaders across Maui County and better understand the unique needs of neighbor-island entrepreneurs.
NOW, THEREFORE, I, Richard T. Bissen, JR., Mayor of the County of Maui, do hereby proclaim March 19, 2026, as
SMALL BUSINESS SUPPORT AND ENGAGEMENT DAY throughout Maui County and encourage residents, community leaders and business owners to recognize the vital role small businesses play in strengthening our local economy and supporting the well-being of our communities.
IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the County of Maui to be affixed hereto.
DONE at Wailuku, Maui, Hawaii, on this 19th day of March, 2026.

IV. NEW BUSINESS

A. Discussion and Action on the Small Business Impact Statement to Proposed New Temporary Hawaii Administrative Rules (HAR) Title 11 Chapter 60.1 Air Pollution Control, promulgated by Department of Health (DOH)

Discussion leader, Mr. Morioka asked Mr. Jack Yebba, Engineer at DOH's Clean Air Branch, to provide an overview of the proposed amendments. Mr. Yebba stated that there may be a slight impact on small businesses due to the rules updated field citation section. In this section, small businesses owning vehicles, that are either gasoline or diesel powered, and that are in violation of the rules, would be subject to the proposed new implementation of fines.

Another change that may impact small businesses relates to the rules' Open Burning provision. Thus, any small business that has an agricultural burning permit will be required to abide by when the "no burn" time-period is occurring.

The last change in the rules that may affect small businesses is the addition of a 20-day period for public access to information. Any person who has claimed confidentiality for records, reports, or other information and whose claim was denied by the DOH director may obtain administrative review and subsequent judicial review of the denial, provided that a written request is submitted to the director not later than twenty days after the denial.

Second Vice Chair Albitz moved to send the proposed rules to public hearing. Dr. Salisbury seconded the motion, and the members unanimously agreed.

V. ADMINISTRATIVE MATTERS

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force's most recent meeting pursuant to Act 133 to identify actions taken, challenges encountered, and legislative measures necessary to facilitate, expediate, and coordinate state and intergovernmental permit processes; and appropriates funds

Dr. Salisbury noted that SPEED taskforce is for 2 years with one of three sessions already completed, which occurred in January 2026 when the work of the taskforce was submitted to the legislature. The next scheduled meeting will be in May 2026 where three more permitted interaction groups will be established. Dr. Salisbury is intending to take part in all three groups, which will be completed in September.

Another three groups will be established which will run into January 2027. At that time, there will be a SPEED summit which will be a conference-type event that is expected to include all County mayors that will bring together all of the taskforce's work as a part of legislation for the 2027 legislative session.

2. Becker Communications Inc., regarding the Board's Small Business Outreach
Becker Communications will be assisting DBEDT staff with a "post meeting" press release with updates on social media. We are pleased that Becker Representative, Ms. Jocelyn Collado, has joined us in Maui.
3. Presentation to Industry Associations
Chair Shick announced that board member Dr. Salisbury was recently honored for the Pacific Business News' "Women Who Mean Business" award. Congratulations to Dr. Salisbury!

Ms. Ige noted that the Kauia Chamber of Commerce will be hosting an expo on housing on May 30th, which she will be attending.

On March 24th, the Hawaii Chamber of Commerce will be presenting "A Day at the Capitol." Chair Shick asked the Oahu members to try to attend this event.

4. Staff's Small Business Outreach

Tourism Day has been rescheduled for April 10th from 9:00 am to 1:00 pm at the State Capitol. Ms. Ariola is planning to attend this event as well as the "Day at the Capitol" event.

VI. LEGISLATIVE MATTERS

A. Update, Discussion and Action on the following legislative matters:

1. Senate Bill 2263 SD1 – Relating to Business Competitiveness – Establishes a goal for the State to achieve a ranking among the top 10 states in the nation for business competitiveness by 2045. Establishes a ranking metric and interim goals. Requires the Department of Business, Economic Development, and Tourism to establish a working group to develop and recommend policies that improve Hawaii’s business competitiveness. Requires annual reports to Legislature. Appropriates moneys.

This measure was voted on at the last meeting to support and provide testimony; it has not been moved within the legislature since February 12, 2026.

2. House Bill 1964 HD1 Relating to the State Building Code Council – Requires the State Building Code Council to provide annual training to state and county permitting agency employees. Appropriates funds for the training, subject to a matching requirement from the counties.

Dr. Salisbury motioned to support and provide testimony on House Bill 1964 HD1. Ms. Hobson seconded the motion, and the members unanimously agreed.

3. House Bill 1967 HD1 Relating to Permitting – Requires the Department of Business, Economic Development, and Tourism to develop a permitting workforce pipeline in partnership with the University of Hawaii and community colleges and coordinate with state and county permitting agencies on certain tasks related to classification levels, salary and benefits, hiring and responsibilities of employees. Appropriates funds.

Ms. Ige motioned to support and provide testimony on House Bill 1967 HD1. Mr. Park seconded the motion, and the members unanimously agreed.

4. House Bill 2606 HD2 Relating to Off-Site Construction – Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Appropriates funds.

Dr. Salisbury noted that this bill, along with prior bills, all came out of the SPEED taskforce’s permitted interactive groups. The purpose of this measure is to create an off-site workforce training site to create housing within Hawaii’s own workforce.

Chair Shick motioned to support and provide testimony on House Bill 2606 HD2. Mr. Park seconded the motion, and the members unanimously agreed.

B. Update on the following legislative matters:

1. House Bill 2603 HD1 – Relating to Permits – Establishes specific deadlines within the facilitated application process to obtain a permit and requires the Department of Business, Economic Development, and Tourism to establish certain resources and processes to help streamline permit applications.

Dr. Salisbury stated that this bill has to do with state-based permitting; there has been no movement on this measure since February 12th.

2. House Bill 1612 HD1 – Relating to Economic Development – Establishes a business competitiveness goal for the State to achieve a ranking of being in the top thirty states in the United States for business climate by 2045, with interim goals. Requires the Department of Business, Economic Development, and Tourism to submit annual reports on progress in meeting the business competitiveness goals. Appropriates funds.

This measure was deferred on March 17th.

3. Governor's Message 612 – Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Leelen Park, for a term to expire June 30, 2029

There is currently no update.

4. Governor's Message 613 – Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Cynthia Hobson, for a term to expire June 30, 2029

There is currently no update.

5. Governor's Message – Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Denver Coon, for a term to be determined

Second Vice Chair Albitz motioned to add the consideration and confirmation of Mr. Denver Coon to the Small Business Regulatory Review Board as a Gubernatorial Nominee. Dr. Salisbury seconded the motion and the Board members with a two-third vote; the motion passed.

Dr. Salisbury motioned to support and provide testimony for Mr. Denver Coon's nomination for the consideration and confirmation to the Small Business Regulatory Review Board. Second Vice Chair Albitz seconded, and the Board unanimously agreed.

VII. NEXT MEETING – Thursday, April 16, 2026, at 10:00 a.m., via Zoom and in person at 250 South Hotel Street, No. 1 Capitol District Building, Room 436, Honolulu, HI 96813.

VIII. ADJOURNMENT – Ms. Ige motioned to adjourn the meeting and Dr. Salisbury seconded the motion; the meeting adjourned at 1:41 p.m.

DRAFT

III. Old Business

A. Discussion and Action on the Small Business Impact Statement to Proposed New HAR Title 12 Chapter 229, General, Administrative, and Legal Provisions, promulgated by Department of Labor and Industrial Relations - *Exhibit 1*

SMALL BUSINESS IMPACT STATEMENT
AFTER PUBLIC HEARING TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD
(Hawaii Revised Statutes §201M-3)

Department or Agency: Labor and Industrial Relations

Administrative Rule Title and Chapter: Title 12, Subtitle 8, Part 11 Elevators and Related Systems.

Chapter Name: 12-229 General, Administrative, and Legal Provisions

Contact Person/Title: William Kunstman, Deputy Director

Phone: (808) 586-8845

Email: william.g.kunstman@hawaii.gov **Date:** 4/16/26

- A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.**

Amendment and compilation of Chapter 12-229, which establishes the general, administrative, and legal provisions applicable to the five chapters governing elevators, dumbwaiters, moving walks, stage lifts, inclined lifts, personnel hoists, permanently installed material lifts, and any other similar mechanized equipment used to convey people in places other than a public right-of-way as well as amusement rides.

- B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7? (If Yes, please provide webpage address and when and where rules may be viewed in person).**

Draft rules in Ramseyer format are available at:
<https://labor.hawaii.gov/hiosh/proposed-rules/>

The rules are also available at: 830 Punchbowl Street, Rm 425, Honolulu, Hawaii, 96813.

- I. Rule Description: Amendment & Compilation**
- II. Will the proposed rules affect small business?**
Yes
- III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?**
No
- IV. Is the proposed rule being adopted pursuant to emergency rulemaking?**
No
- V. Please explain how the agency involved small business in the development of the proposed rules.**

The DLIR convened a stakeholder meeting with representatives from the elevator industry on May 29, 2025. In advance of the meeting, DLIR distributed the proposed rule amendments along with an invitation to participate in a review and discussion of the changes. Ten stakeholders attended the meeting, both in person and remotely, and were given the opportunity to review each proposed amendment and ask clarifying questions.

Beyond this formal session, the Department maintains ongoing, informal communication with industry professionals and used this regular engagement to receive additional input throughout the drafting process. These ongoing discussions helped shape several provisions incorporated into the proposal.

a. Were there any recommendations incorporated into the proposed rules? If yes, explain. If not, why not?

Participants at the meeting were supportive of the changes and did not have any recommendations to incorporate changes to the rules.

VI. If the proposed rules affect small business, and are not exempt as noted above, please provide the following information:

1. A description of how opinions or comments from affected small business were solicited.

The Department solicited comments from affected small businesses by providing notice of the proposed amendments through its established communication channels with elevator companies, contractors, property managers, and other industry operators. Through these regular outreach networks, stakeholders were informed of the proposed changes and invited to submit written or verbal feedback during the comment period. This approach ensured that small businesses received timely information about the proposed rules and had clear, accessible opportunities to provide input beyond any meetings held during rule development.

2. A summary of the public's and small businesses' comments.

No person either attended the public hearing or submitted written comments.

3. A summary of the agency's response to those comments.

Not applicable.

4. The number of persons who:

- (i) **Attended the public hearing:** 5
- (ii) **Testified at the hearing:** 0
- (iii) **Submitted written comments:** 0

5. Was a request made at the hearing to change the proposed rule in a way that affected small business?

No.

October 16, 2025 Meeting Minutes

confirmed that the rules allow businesses to opt-in at any time, but once they opt-in, they are in for that year. In addition, it establishes a safe harbor. For example, if a business elects PTE for a year, a business can either estimate its taxes, or it can be based on the prior year.

Ms. Ige motioned to send the proposed amended rules to public hearing. Dr. Salisbury seconded the motion, and the Board members unanimously agreed.

C. Discussion and Action on the Small Business Impact Statement and Proposed Amendments to HAR Title 12 Subtitle 8 Part 11 Chapter 229, General, Administrative and Legal Provisions, promulgated by Department of Labor and Industrial Relations (DLIR)

Second Vice Chair Albitz stated that the proposed rule amendments are to update the fees and standards, and to improve facilities. Mr. William Kunstman, Deputy Director at DLIR, explained that the Elevator Branch is self-financing; as such, the branch handles all the collected fees. In 2014, there was a major overhaul of the rules and every few years thereafter, DLIR comes back to this Board for housekeeping changes and more efficient processes.

The last time the rules were brought to this Board was in 2021. The current proposal entails increasing the fees by approximately twenty-five percent. This reflects the increased cost for staffing that includes collective bargaining increases, overhead, and fringe benefits for the entire staff.

One of the rules' major changes allows for the use of the new International Building Code editions, which were developed through DLIR's ongoing engagement with the elevator industry. Another major change involves allowing for the actual elevator permit to be accessible during working hours at a specific location.

Testifier, Mr. Chuck DeCorto, Hawaii Branch Operations Manager with TK Elevator, provided support of the proposed administrative rules including the proposed increase in the fees. Following up on Mr. DeCorto's testimony, Mr. Kunstman explained that DLIR and the contractors are in consistent conversation with each other. While there are challenges having to do with all the required inspections, the safety issues with existing elevators and significant new installations are of most concern, thereby, resulting in a backlog of annual inspections. Recruitment of elevator inspectors is also a challenge due to being a specialized industry that has a limited pool of qualified elevator inspectors.

Dr. Salisbury thanked Mr. Kunstman and his team for the extensive analysis, power point presentation and hard work that was put into these pre-public hearing rules; the hard work is greatly appreciated.

Second Vice Chair Albitz motioned to send the proposed amended rules to public hearing. Dr. Salisbury seconded the motion, and the Board members unanimously agreed.

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Amendments to and Compilation of Chapter 12-229
Hawaii Administrative Rules

March 20, 2026

SUMMARY

1. §§12-229-1 to 12-229-2 are amended and compiled.
2. §§12-229-3.1 to 12-229-7.1 are amended and compiled.
3. §§12-229-8.1 to 12-229-9.1 are compiled.
4. §12-229-10.1 is amended and compiled.
5. §12-229-11.1 is compiled.
6. §12-229-12.1 is amended and compiled.
7. §§12-229-13.1 to 12-229-14.1 are compiled.
8. §§12-229-15.1 to 12-229-16.1 are amended and compiled.
9. §12-229-17 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8

HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION

PART 11

ELEVATORS AND RELATED SYSTEMS

CHAPTER 229

GENERAL, ADMINISTRATIVE, AND LEGAL PROVISIONS

§12-229-1	Scope and application
§12-229-2	Definitions
§12-229-3	Repealed
§12-229-3.1	Codes incorporated and adopted by reference
§12-229-4	Repealed
§12-229-4.1	Installation and alteration permits
§12-229-5	Repealed
§12-229-5.1	Permits to operate
§12-229-6	Repealed
§12-229-6.1	Fees
§12-229-7	Repealed
§12-229-7.1	Inspections and tests
§12-229-8	Repealed
§12-229-8.1	Rights and enforcement

§12-229-1

§12-229-9	Repealed
§12-229-9.1	Complaints
§12-229-10	Repealed
§12-229-10.1	Reporting of accidents
§12-229-11	Repealed
§12-229-11.1	Investigations
§12-229-12	Repealed
§12-229-12.1	Violations and penalties
§12-229-13	Repealed
§12-229-13.1	Review and appeal
§12-229-14	Repealed
§12-229-14.1	Trade secrets
§12-229-15	Repealed
§12-229-15.1	Notifications of transfer and location
§12-229-16	Repealed
§12-229-16.1	Variances
§12-229-17	Records

Historical Note: Chapter 12-229 is based substantially on chapter 12-241. [Eff 7/6/98; R 6/19/00]

§12-229-1 Scope and Application. This chapter contains general and administrative rules and legal provisions which apply to this part. This part applies to all elevators, escalators, moving walks, dumbwaiters, material lifts, lifts for the mobility impaired, personnel hoists, and amusement rides in the State, with the following exceptions:

- (1) Equipment or apparatus installed in private residences provided the equipment or apparatus is not accessible to the public or to other occupants in the building;
- (2) Coin or token operated amusement rides considered or known in the amusement trade as kiddie rides;
- (3) Material hoists used to raise or lower materials during construction, alteration or demolition (within the scope of ANSI A10.5); and

- (4) Equipment or apparatus installed in buildings or structures wholly owned and operated by the United States government. [Eff 6/19/00; am and comp 6/30/14; comp 11/10/16; am and comp 2/15/19; comp 1/31/21; am and comp] (Auth: HRS §397-4) (Imp: HRS §397-4)

§12-229-2 Definitions. As used in this part:

"Alteration" means any change to equipment, including parts, components, or subsystems other than maintenance, repair, or replacement.

"Amusement ride" means a mechanically or electrically operated device designed to carry passengers in various modes and used for entertainment and amusement.

"ANSI" means the American National Standards Institute.

"ANSI/American Society of Safety Engineers A10.4" means ANSI/ASSE, Personnel Hoists and Employee Elevators on Construction and Demolition Sites, as adopted and incorporated by reference in section 12-229-3.1.

"Appeals board" means the labor and industrial relations appeals board, department of labor and industrial relations.

"Approved" means approved by the department.

"Appurtenance" means a device installed on and used in the normal operation of an elevator, escalator, or kindred equipment.

"ASME" means American Society of Mechanical Engineers.

"ASME A17.1" means ASME A17.1, Safety Code for Elevators and Escalators, as adopted and incorporated by reference in section 12-229-3.1.

"ASME A17.3" means ASME A17.3, Safety Code for Existing Elevators and Escalators, as adopted and incorporated by reference in section 12-229-3.1.

"ASME A17.6" means ASME A17.6, Standard for Elevator Suspension, Compensation and Governor

Systems, as adopted and incorporated by reference in section 12-229-3.1.

"ASME A18.1" means ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts, as adopted and incorporated by reference in section 12-229-3.1.

"ASTM" means American Society for Testing and Materials.

"ASTM-F24" means ASTM-F24 1997 standard on amusement rides and devices.

"Attorney general" means the attorney general of the State of Hawaii or any of the attorney general's deputies.

"Authority Having Jurisdiction" or "AHJ", means the director of labor and industrial relations or the director's designee.

"Authorized inspection agency" means the department of labor and industrial relations, elevator inspection section.

"Building code" means the currently adopted, applicable county code in the revised ordinances of the applicable county, or the code adopted by the State of Hawaii for state buildings.

"Certificate of competency" means a certificate issued to a person who has passed the examination prescribed by the director.

"Contractor" means any person, firm, or corporation installing, repairing, or servicing any amusement ride, elevator, or kindred equipment or structure inspected pursuant to chapter 397, HRS.

"Department" means the department of labor and industrial relations, State of Hawaii.

"Director" means the director of the department of labor and industrial relations or the director's designee.

"Discrepancy" means the non-conformance to codes, standards, rules, or regulations required by this part.

"Division" means the Hawaii occupational safety and health division, department of labor and industrial relations, State of Hawaii.

"Elevator" means a hoisting and lowering mechanism equipped with a car that moves within guides and serves two or more fixed landings, and is

classified by elevator types as described in ASME A17.1, as adopted and incorporated by reference in section 12-229-3.1.

"Elevators and related systems" means elevators and kindred equipment and amusement rides.

"Existing installation" means any device or equipment where the application for the installation was properly filed with the department before the effective date of this chapter.

"HAW" means the registration number assigned to an elevator and kindred equipment or amusement ride by the AHJ.

"Hawaii Revised Statutes" or "HRS" means laws enacted by the Hawaii state legislature.

"IBC" means the International Building Code, as adopted and incorporated by reference in section 12-229-3.1.

"Installation" means a complete elevator or kindred equipment, including its hoistway, hoistway enclosures and related construction, and all machinery and equipment necessary for its operation.

"Installation or alteration permit" means a document, which may be electronic, issued by the department authorizing the installation or alteration of an elevator or kindred equipment, or the department approval of a new amusement ride.

"Kindred equipment" means escalators, moving walks, dumbwaiters, permanently installed material lifts, platform lifts, inclined lifts, stage lifts, stairway chairlifts, personnel hoists, and any other similar mechanized equipment used to convey people in places other than a public right-of-way, but does not include amusement rides.

"May" means not mandatory.

"New installation" means any device or equipment that is not an existing installation or an existing installation that is being relocated.

"NFPA" means the National Fire Protection Association.

"NFPA 1, UFC" means the NFPA 1, Uniform Fire Code, as adopted and incorporated by reference in section 12-229-3.1.

"NFPA 70" means NFPA 70, National Electrical Code, as adopted and incorporated by reference in section 12-229-3.1.

"Operating permit" means a permit issued by the department authorizing the operation of an elevator, kindred equipment, or amusement ride.

"Order" means a command to perform a mandatory act issued by the department.

"Overtime" means hours outside a regular eight-hour working day.

"Owner" means any person, firm, or corporation with legal title to any amusement ride, and elevator and kindred equipment inspected pursuant to chapter 397, HRS.

"Permit to operate" means a certificate, which may be electronic, issued by the department indicating the elevator or kindred equipment has met the required safety inspections and tests required by this part and that the required fees have been paid and authorizing the operation of an elevator, kindred equipment, or an amusement ride.

"Qualified elevator inspector" means an elevator inspector employed by the department holding a valid certificate of competency issued by the department and a Qualified Elevator Inspector certification that meets the criteria of the American Society of Mechanical Engineers and the standards for the qualification of elevator inspectors of the American National Standards Institute. The certificate of competency is valid only while the inspector is employed by the department.

"Regular operating permit" means an operating permit that is not indicated as temporary.

"Shall" means mandatory.

"Unsafe" means potential exposure to a recognized hazard.

"Violation" means the failure to comply with any citation, notice, or order of the department, or rule or standard promulgated under chapter 397, HRS. [Eff 6/19/00; am and comp 6/30/14; am and comp 11/10/16; am and comp 2/15/19; am and comp 1/31/21; am and

comp] (Auth: HRS §397-4) (Imp: HRS
 §§397-4, 397-6)

§12-229-3 Repealed. [R 6/30/14]

§12-229-3.1 Codes incorporated and adopted by reference. The following codes are incorporated and adopted by reference and made a part of this chapter and shall apply to elevators, kindred equipment, and amusement rides in this part, unless otherwise modified by the rules pertaining to elevators, kindred equipment, and amusement rides:

- (1) ANSI/ASSE A10.4-2007, Personnel Hoists and Employee Elevators on Construction and Demolition Sites, as published by ANSI;
- (2) ASME A17.1-2010/CSA-B44-10, Safety Code for Elevators and Escalators, published by ASME;
- (3) ASME A17.3-2011, Safety Code for Existing Elevators and Escalators, published by ASME;
- (4) ASME A17.5-2011, Elevator and Escalator Electrical Equipment, published by ASME;
- (5) ASME A17.6-2010, Standard for Elevator Suspension, Compensation and Governor Systems, published by ASME;
- (6) ASME A18.1-2011, Safety Standard for Platform Lifts and Stairway Chairlifts, published by ASME;
- (7) International Building Code, 2012 edition, published by the International Code Council, Inc.;
- (8) ICC A117.1-2009, Accessible and Usable Buildings and Facilities, published by the International Code Council, Inc.;
- (9) NFPA 1, Fire Code, 2009 Edition, published by NFPA;
- (10) NFPA 72, National Fire Alarm and Signaling Code, 2010 edition, published by NFPA;

- (11) NFPA 13, Standard for the Installation of Sprinkler Systems, 2010 edition, published by NFPA; and
- (12) NFPA 70, National Electrical Code, 2011 edition, as published by NFPA. [Eff and comp 6/30/14; comp 11/10/16; am and comp 2/15/19; am and comp 1/31/21; am and comp] (Auth: HRS §397-4)
(Imp: HRS §397-4)

§12-229-4 Repealed. [R 6/30/14]

§12-229-4.1 Installation and alteration permits.

(a) No person shall install, construct, reconstruct, relocate, or make an alteration to any elevator, kindred equipment, or amusement ride subject to this part without first obtaining an installation or alteration permit from the department.

The owner shall be responsible for contracting the work with a licensed elevator contractor, and shall ensure that the contractor obtains all permits and inspections required by this part. The contractor shall be responsible for the safe operation of equipment during the installation, alteration, or relocation, until a permit to operate has been issued by the department. An amusement ride owner shall register the new apparatus or an alteration by submitting an application for review and registration.

An application on a form provided by the department shall be submitted and approved prior to commencement of work. The application shall include:

- (1) Applicant's name (elevator contractor licensed to perform the work), business address and license number, expiration date of the license, name and contact information of the licensed mechanic or supervisor in charge of the work;

- (2) Building name and complete address, including island and zip code, of the installation or alteration;
- (3) The name and complete address of the legal owner of the elevator, kindred equipment, or amusement ride;
- (4) The anticipated start date of the installation or alteration and the anticipated completion date;
- (5) The type of equipment to be installed or altered, manufacturer of the equipment, maximum rise and number of floors;
- (6) The plans and specification for installation or alteration of elevators and kindred equipment together with the building details that are pertinent to the installation; provided that proposed designs based on International Building Code editions, or elements thereof, adopted after the 2012 edition may be accepted by the department. The plans and specifications shall include sufficient documentation and justification for the use of an International Building Code, or elements thereof, adopted after 2012 demonstrating that the proposed design provides at least as, or greater than, safe operation and use of the elevator or kindred equipment as set forth in the International Building Code 2012 edition;
- (7) Copies of engineering data, tests, and laboratory reports, and any other pertinent information deemed necessary by the department;
- (8) For amusement rides, the application to review, approve, and register the new apparatus shall be submitted on a form authorized by the department and shall include manufacturers drawings, and engineering and test data; and
- (9) Any other information indicated as required by the application.

(b) Applications to install, alter, or register must be accompanied by the payment of the appropriate installation or alteration processing fee for each conveyance subject to this part as per the schedules in Exhibit A, titled "Elevator and Kindred Equipment Installation and Alteration Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter, and Exhibit B, titled "Elevator and Kindred Equipment Inspection Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter.

(c) Only a person who is licensed to engage in the business of installing or repairing elevators and kindred equipment by the contractors license board of the Hawaii department of commerce and consumer affairs may apply for an installation permit or alteration permit, except the application to install a personnel hoist may be made by a licensed construction contractor and the application to register an amusement ride may be made by the owner.

(d) All alteration work on elevators and kindred equipment requires an alteration permit prior to the work being performed. Alteration work includes:

- (1) All alteration to elevators and kindred equipment as described in ASME A17.1, section 8.7;
- (2) Any alterations that require the equipment or conveyance to be tested by the department prior to being returned to service, including, but not limited to, the replacement of any part or parts that would require calibration or testing per ASME 17.1, section 8.7, or, work performed on components or equipment affecting or necessary for fire safety (e.g., cab interiors, systems associated with fire recall, etc.; and
- (3) Any alteration, renovation, or change to the original design of the car's interior.

(e) The application shall be deemed approved if not acted on by the department within thirty calendar days following the receipt of the completed

application. The maximum period of time for the department to act on an application for installation or alteration established pursuant to this section shall be extended in the event of a national disaster, state emergency, or union strike that would prevent the applicant or the department from fulfilling application review requirements until the time the emergency conditions improve or are reasonably under control.

(f) Installation or alteration permits issued by the department shall be posted in a conspicuous place on the jobsite near the elevator, kindred equipment, or amusement ride prior to the start of any work being done. They shall remain posted until the department has witnessed all acceptance tests and issued an operating permit for the elevator or kindred equipment.

(g) Installation or alteration permits shall expire within one year of the issuance date if the installation or alteration work described on the application has not yet commenced. Otherwise, the permit is valid for a period of three years.

(h) All new elevators and kindred equipment shall have the Hawaii registration number (HAW) assigned by the department painted on or permanently attached to both the car top crosshead and the controller. The owner is responsible for having the HAW number painted on or attached to the device or equipment, and ensuring that the number remains legible. [Eff and comp 6/30/14; am and comp 11/10/16; am and comp 2/15/19; am and comp 1/31/21, am and comp] (Auth: HRS §397-4) (Imp: HRS §397-4)

§12-229-5 Repealed. [R 6/30/14]

§12-229-5.1 Permits to operate. (a) The department shall issue a "permit to operate" for any elevator, kindred equipment, or amusement ride where

the inspection and tests required by the department show that the equipment has been designed and installed in accordance with the requirements of chapter 397, HRS, and its related rules, including the payment of all required fees, and are in compliance with this part. It shall be a violation for any person, firm, association, partnership, or corporation to operate an elevator, kindred equipment, or amusement ride regulated by this part unless a permit for the operation has been issued by the department and the permit remains in effect.

(b) A permit to operate an elevator or related systems shall be issued only after a qualified elevator inspector has determined that the equipment, device or apparatus meets all applicable requirements of this part. A permit to operate elevators or related systems shall be valid per the schedules in Exhibit C, titled "Inspection and Test Intervals (In Months)", dated January 1, 2017, which is made a part of this chapter and located at the end of this chapter, unless revoked sooner, and may be renewed only upon satisfactory completion of an inspection by a qualified elevator inspector. A valid permit may be extended for cause by the department if so requested in writing by the owner or contractor prior to the expiration date.

(c) The owner, or the owner's duly appointed agent, shall be responsible for:

- (1) The safe operation and proper maintenance of elevators and related systems after the installation or alteration has been approved and an initial permit to operate has been issued;
- (2) Conducting all periodic or maintenance tests required by this part;
- (3) Arranging for inspection of closed buildings and not readily accessible elevators and related systems by qualified elevator inspectors. Elevators and kindred equipment not inspected as a result of the owner's failure to provide convenient access shall be considered removed from service and shall comply with section 12-229-7.1(b)(4);

- (4) Requesting and scheduling with the department all safety tests in accordance with the schedule in Exhibit C, titled "Inspection and Test Intervals (In Months)", dated January 1, 2017, which is made a part of this chapter and located at the end of this chapter; and
- (5) Notifying the department within thirty calendar days of any changes to:
 - (A) Building ownership;
 - (B) Building address;
 - (C) Billing address; or
 - (D) Property management.

(d) The permit to operate shall indicate the type of equipment for which it is issued. In the case of elevators and kindred equipment, the permit shall state whether it is passenger or freight, and the rated load and speed for the elevator, dumbwaiter, escalator, or moving walk. The permit to operate shall be posted conspicuously in the car of the elevator, and on or near the dumbwaiter, escalator, moving walk, or other kindred equipment, or, alternatively, the permit to operate may be posted in a secure manner under a transparent cover, or in a suitable case or cabinet and in such a way that the permit is reasonably easy to read, outside the elevator or related system, if:

- (1) The location is approved by the department, on-site, and available for review during normal business hours; and
- (2) There is a permanent sign within the elevator, conspicuously displayed, in letters not less than 1/4-inch high, that identifies the equipment by the state registration number and states where the operating permit may be viewed.

(e) The department may immediately revoke any permit to operate for any equipment required to be inspected by this chapter that is found to be in an unsafe condition; or when an owner or contractor fails to comply with a department order to correct specific defects or hazards and continues to use or operate the

equipment, device, or apparatus without abating the hazards or defects. The department shall reissue a permit to operate when a subsequent inspection by a qualified elevator inspector finds that the hazardous condition has been corrected or when the department receives documentation that the noncompliant item has been abated.

(f) Exhibit C, titled "Inspection and Test Intervals (In Months)", dated January 1, 2017, which is made a part of this chapter and located at the end of this chapter, establishes the required maximum intervals for the periodic reinspection and renewal of the permits to operate. The department may require that specific equipment be re-inspected more frequently if conditions found during an inspection require closer or more frequent monitoring to ensure its safe operation.

(g) The department may provide for the issuance of a temporary permit to operate while any noncomplying elevator or kindred equipment is being brought into full compliance with chapter 397, HRS.

(h) The owner or contractor may petition the department for additional time to correct any discrepancy or violation by submitting a request in writing by no later than the correction due date or the expiration date of the temporary permit, whichever is applicable, and shall include:

- (1) Specific additional time needed;
- (2) Efforts made to date to effect correction;
and
- (3) Any interim steps or actions taken to ensure the safe operation of the equipment, device or apparatus.

(i) No elevator, kindred equipment, or amusement ride that is required to be inspected pursuant to chapter 397, HRS, shall be operated except as necessary to install, repair, or test the elevator, kindred equipment, or amusement ride unless a permit to operate has been issued by the department and remains valid. [Eff and comp 6/30/14; am and comp 11/10/16; am and comp 2/15/19; comp 1/31/21; am and comp] (Auth: HRS §397-4) (Imp: HRS §397-4)

§12-229-6 Repealed. [R 6/30/14]

§12-229-6.1 Fees. (a) Departmental inspection fees. The department shall collect from the owner or contractor, the fee listed in the schedules in Exhibit A, titled "Elevator and Kindred Equipment Installation and Alteration Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter, and Exhibit B, titled "Elevator and Kindred Equipment Inspection Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter, for each inspection made by a qualified elevator inspector. The following shall apply to departmental inspection fees:

- (1) The fees for scheduled inspection delayed or canceled by the requester, shall be charged to the requester in accordance with the scheduled fee for the type of inspection scheduled, however, if the notice of cancellation or delay of the scheduled inspection is provided at least forty-eight (48) hours prior to the scheduled date and time, not counting weekends and state holidays, no additional fee will be charged. A delayed inspection includes situations where the equipment is not ready for the inspection or the requester is not ready to conduct the required tests within one hour of the scheduled date and time;
- (2) Where an inspection must be re-scheduled due to untimely notification of delay or cancellation, the appropriate inspection fee must be paid prior to the re-scheduling of the inspection;
- (3) Permit renewal and witness fees are per inspection, which may constitute one day or part of the day. If the inspector is required or requested to return on another day or at another time on the same day, additional fees shall be assessed at the

rate of \$500 per day for up to two hours and \$1,000 per day for more than two hours. Fees for overtime hours shall be \$1,000 per day for up to two hours and \$2,000 per day for more than two hours;

- (4) When a special or dedicated inspection is made at the request of the owner, contractor, or vendor, the sum of expenses incurred shall be charged in addition to the inspection fee;
- (5) Whenever the requester of an inspection fails to pay the fees required pursuant to this section within sixty days (60) after notification, the requester shall pay, in addition to the fees required, a penalty equal to fifty per cent (50%) of the fee. For the purpose of this section, the date of invoice shall be considered the date of notification.
- (6) Departmental reports of inspections for which expenses must be added to the basic fee shall be accompanied by an itemized account of the inspections made and the expenses incurred;
- (7) For elevators that have considerable rise but few openings, such as observation or deep well elevators, each ten feet of vertical rise shall be considered on floor in determining installation permit fees; and The department shall charge and collect the fees listed in Exhibit B, titled "Elevator and Kindred Equipment Inspection Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter, for each category 3 or 5, or internal escalator inspection, witnessed by qualified elevator inspectors of the department during regular working hours. For additional follow up inspections or if the inspector is required or requested to return on another day or at another time on the same day, additional fees shall be assessed at the rate of \$500 per day for up to two

hours and \$1,000 per day for more than two hours. Fees for overtime hours shall be \$1,000 per day for up two hours and \$2,000 per day for more than two hours.

(b) Departmental installation and alteration permit and test fees. The following shall apply to installation, alteration, and test fees:

- (1) The department, before accepting an application for installing, constructing, re-constructing, or relocating an elevator or a related system, shall charge and collect a fee for each object in accordance with Exhibit A, titled "Elevator and Kindred Equipment Installation and Alteration Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter;
- (2) The department, before accepting an application for an alteration, shall charge and collect a fee for each object in accordance with Exhibit A, titled "Elevator and Kindred Equipment Installation and Alteration Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter. For online applications, fees must be paid electronically at the time of the application. Any transaction failure shall void the application;
- (3) For each instance requiring an installation or alteration permit fee, the department shall provide an installation or alteration drawing review, inspection and witnessing of the acceptance test, which may include smoke, fire, or emergency power test if it can be conducted on the same day, and any resulting permit to operate;
- (4) Fees in accordance with Exhibit A, titled "Elevator and Kindred Equipment Installation and Alteration Fees", dated January 1, 2025, which is made a part of this chapter and located at the end of this chapter, or the fee in effect on the application submittal

date shall be charged and collected for all applications for installation or alteration permits;

- (5) If additional follow-up inspections are required, which may include, but are not limited to, smoke, fire, or emergency power tests if requested to be conducted on another day, the fee shall be \$500 per day for up to two hours and \$1,000 per day for more than two hours if during the normal workday. Fees for overtime hours shall be \$1,000 per day for up to two hours and \$2,000 per day for more than two hours; and
- (6) For elevators that have considerable rise but few openings, such as observation or deep well elevators, each ten feet of vertical rise shall be considered one floor in determining installation permit fees.

(c) Amusement rides, fees. The following shall apply to amusement ride fees:

- (1) The fee for an inspection of an amusement ride shall be \$200;
- (2) When an unscheduled inspection is made at the request of the owner or contractor, the sum of expenses incurred shall be charged in addition to the inspection fee;
- (3) For additional follow-up inspections for final acceptance, the fee shall be \$400 per day for up to two hours and \$800 per day for more than two hours if during the normal workday. Fees for overtime hours shall be \$800 per day for up to two hours and \$1,600 per day for more than two hours; and
- (4) Whenever the requester fails to pay the fees required under this section within sixty days after notification, the requester shall pay in addition to the fees required, a penalty equal to fifty per cent of the fee. For the purpose of this section, the date of the invoice shall be considered the date of notification. [Eff and comp 6/30/14; am and comp 11/10/16; am and comp 2/15/19; am and

comp 1/31/21; am and comp]
(Auth: HRS §397-4) (Imp: HRS §397-5)

§12-229-7 Repealed. [R 6/30/14]

§12-229-7.1 Inspections and tests. (a) The department shall inspect to ensure compliance with chapter 397, HRS, any activity related to the erection, construction, alteration, demolition, or maintenance of buildings, structure, bridges, highways, roadways, dams, tunnels, sewers, underground buildings or structures, underground pipelines or ducts, and other construction projects or facilities containing elevators or kindred equipment.

(b) Elevators and kindred equipment. The following shall apply to inspections and tests:

- (1) All permit renewal inspections and witnessing of tests of elevators or kindred equipment as required under this chapter shall be performed by qualified elevator inspectors employed by the department;
- (2) Where notifications of discrepancies, recommendations, or requirements are made, these notations shall refer to the applicable code, rule, or standard;
- (3) Elevator or kindred equipment regulated under this part shall be inspected and tested in accordance with the schedule in Exhibit C, titled "Inspection and Test Intervals (In Months)", dated January 1, 2017, which is made a part of this chapter and located at the end of this chapter;
 - (A) Internal inspection of escalators and moving walks shall be performed at intervals of thirty-six (36) months;
 - (B) Personnel hoists shall be load tested at intervals of three (3) months;
 - (C) The category 3 test shall be performed on all holed and holeless hydraulic

- elevator systems. The interval may be extended at the discretion of the department for those hydraulic elevator installations such as holeless hydraulic elevators in which all components are readily accessible for visual inspection; and
- (D) The period between inspections may be extended by the department for cause. A written application by the owner must be received by the department prior to the expiration date for review;
- (4) Any elevator or kindred equipment that is out of service and not continuously maintained for a period exceeding one year or has not been inspected in accordance with paragraph (3) shall be taken out of service by the owner by complying with the following:
- (A) Car and counterweight (if any) shall be landed at the bottom of the hoistway and hoisting ropes shall be disconnected at both ends. For hydraulic driven elevators and hydraulic driven kindred equipment, the car shall be lowered to the bottom of the hoistway, oil line disconnected with partial or total oil supply line removal, and oil removed from the tank reservoir;
 - (B) All electric power shall be removed by disconnecting and removing the power feeders; and
 - (C) All hoistway entrances or escalator entrances and exits shall be permanently blocked or barricaded to prevent inadvertent entry. The owner or the owner's agent shall submit a certification that the unit has been properly taken out of service as indicated in this paragraph, on a form provided by the department. Prior to placing the elevator or kindred

equipment back in service, the department shall be notified, and an inspection made; and

- (5) While conducting tests and inspections required by section 12-229-5.1 for acceptance of new elevators for load testing of elevators, a positive means of communication, such as a walkie-talkie system, between the various testing and witnessing personnel shall be furnished by the elevator maintenance company performing the test or inspection.

(c) Amusement rides. The following shall apply to amusement rides:

- (1) The department shall inspect and witness load tests, in accordance with ASTM-F24 and chapter 12-250 at least semi-annually, for all amusement rides at a carnival, circus, fair, amusement park, or other public venue, for protecting the safety of the public;
- (2) After the initial inspection, each amusement ride shall be inspected as often as necessary to ensure safe operation but not less than twice annually at intervals of not less than five (5) months nor greater than seven months;
- (3) If the department finds, upon inspection, that an amusement ride is in a safe operating condition and meets the requirements of this chapter and chapter 12-250, the department shall affix to the ride in a prominent location a permit to operate bearing upon its face the date of the inspection and the permit expiration date; and
- (4) No ride shall be operated unless it has affixed to it a current permit to operate. [Eff and comp 6/30/14; am and comp 11/10/16; am and comp 2/15/19; comp 1/31/21, am and comp] (Auth: HRS §397-4)
(Imp: HRS §397-4)

§12-229-8 Repealed. [R 6/30/14]

§12-229-8.1 Rights and enforcement. (a)

Rights.

- (1) Authorized representatives of the director may enter without delay during regular working hours and at other reasonable times, any place, establishment, or premises in which are located amusement rides, or elevators and kindred equipment requiring inspection pursuant to chapter 397, HRS;
 - (2) The department may question any employer, owner, operator, agent, or employee in investigation, enforcement, and inspection activities covered by this chapter; and
 - (3) Any employee of the State acting within the scope of the employee's office, employment, or authority under this chapter shall not be liable for or made a party to any civil action growing out of administration and enforcement of chapter 397, HRS.
- (b) Enforcement.
- (1) Whenever the right of entry to a place to inspect an amusement ride, elevator, or kindred equipment required by this chapter to be inspected is refused to an authorized representative of the director, the department may apply to the circuit court where the equipment is located for a search warrant providing on its face that the wilful interference with its lawful execution may be punished as a contempt of court;
 - (2) Whenever the department finds that the construction of or the operation of any amusement ride, or elevator and kindred equipment required to be inspected under this part is not safe, or that any practice, means, method, operation, or process employed or used is unsafe or is not in

conformance with the standards and codes adopted pursuant to chapter 91, HRS, the department shall issue an order to render the construction or operation safe or in conformance with chapter 397, HRS, or its standards and codes and deliver the same to the contractor or owner. Each order shall be in writing and may be delivered by mail, electronically, or in person. The department may in the order direct that, in the manner and within a time specified, such additions, repairs, improvements, or changes be made and such safety devices and safeguards be furnished, provided, and used as are reasonably required to ensure compliance with the purposes and provisions of chapter 397, HRS. An order to bring the operation of elevator or kindred equipment into compliance may require the owner to submit a plan of compliance that addresses interim corrective plans to ensure public and worker safety as well as the schedule for the correction of the non-conforming element. A plan of compliance shall not exceed five years for residential buildings or three years for all other buildings. The owner or contractor shall obey and observe all orders issued by the department or be subject to appropriate civil penalties;

- (3) Whenever, in the opinion of the department, the condition of or the operation of amusement rides, or elevators and kindred equipment required to be inspected by chapter 397, HRS, or any practice, means, method, operation, or process employer or used, is unsafe, or is not properly guarded, or is dangerously placed, its use may be prohibited by the department. An order to that effect shall be posted prominently on the equipment or near the place or condition referred to in the order. The order shall be removed when a determination has been made by an authorized representative of the

department that the amusement rides, or elevators and kindred equipment are safe and the required safeguards or safety devices are provided;

- (4) Pursuant to section 397-4(d)(4), HRS, when an imminent hazard exists, the department may apply for a restraining order from a circuit court to effect enforcement restraining the use or operation until the use or operation is made safe;
- (5) Pursuant to section 397-4(d)(5), HRS, the director, or an authorized representative, shall have the same powers as are possessed by the court respecting administering of oaths, compelling attendance of witnesses, producing documentary evidence, and examining witnesses or causing them to be examined, and may take depositions and certify to official acts;
- (6) Where a condition or practice involving any amusement ride, or elevator and kindred equipment required to be inspected by chapter 397, HRS, could reasonably be expected to cause death or serious physical harm, the department shall have the right, independent of any other enforcement powers under this chapter, to:
 - (A) Immediately take steps to obtain abatement by informing the owner, contractor, and all person in harm's way of the hazard by meeting, posted notice, or otherwise;
 - (B) Take steps to immediately obtain abatement through direct control or elimination of the hazard if, after reasonable search, the owner, contractor, or their representative is not available;
 - (C) Take steps to obtain immediate abatement when the nature and imminence of the danger or hazard does not permit a search for the owner or contractor; and

- (D) Where appropriate, initiate necessary legal proceedings to require abatement by the owner or contractor; and
- (7) The department may prosecute, defend, and maintain actions in the name of the department for the enforcement of the provisions of chapter 397, HRS, including the enforcement of any order issued by it, the appeal of an administrative or court decision, and other actions necessary to enforce chapter 397, HRS. [Eff and comp 6/30/14; comp 11/10/16; am and comp 2/15/19; comp; comp 1/31/21; comp]
(Auth: HRS §397-4) (Imp: HRS §§397-4, 397-6, 397-8)

§12-229-9 Repealed. [R 6/30/14]

§12-229-9.1 Complaints. (a) Complaints may be made to the department and where reasonable grounds exist for the department to believe there may be a hazard, there shall be an inspection in response to the complaint.

(b) Names of all complainants and witnesses shall be held in confidence by the department, unless prior permission has been given by the complainants or witnesses to release his or her names, or unless it has been determined by the state attorney general that disclosure is necessary for the enforcement and review under this chapter. [Eff and comp 6/30/14; comp 11/10/16; comp 2/15/19; comp 1/31/21; comp] (Auth: HRS §397-4) (Imp: HRS §397-7)

§12-229-10 Repealed. [R 6/30/14]

§12-229-10.1 Reporting of accidents. (a)

Whenever an accident occurs involving either an amusement ride, or an elevator and kindred equipment, the owner shall promptly notify the division within eight (8) hours by telephone at (808) 586-9141. For reporting purposes, "accident" is defined as an occurrence resulting in damage to an elevator and kindred equipment or amusement device that renders the unit inoperative, or creating a safety hazard, or any occurrence resulting in physical injury to a person or persons.

An accident report shall be submitted to the department within two (2) calendar days after the owner has completed the accident investigation, and shall include the following information:

- (1) The date and time of the accident;
- (2) Hawaii registration number (HAW number) of the amusement ride, elevator, or kindred equipment involved;
- (3) Name and address of the victim or victims;
- (4) A brief description of the accident, including the nature and scope of the injuries;
- (5) Whether the amusement ride, elevator, or kindred equipment sustained any damage rendering it inoperative for any period of time;
- (6) Names and contact information of any witnesses interviewed;
- (7) A brief description of any inspections or tests conducted of the equipment to determine probable causation and who conducted them;
- (8) The investigators' conclusions as to the cause of the accident; and
- (9) The name and contact information of the investigator. For purposes of this section, the owner may contract another to perform the actual accident investigation, however, the owner is responsible for the report and its timely submittal to the department. If the accident investigation cannot be

completed within three months of the date of the incident, the owner shall submit the incomplete report to the department with information as to when the investigation is expected to be completed. The final report shall be submitted as soon as the investigation is completed.

(b) Whenever an accident occurs which results in loss of life, the owner shall promptly notify the division by telephone at (808) 586-9141, or messenger, within eight hours, and neither the amusement ride, or elevator and kindred equipment, or any of their parts, shall be removed or disturbed before permission has been given by the department except for the purpose of saving human life or limiting consequential damage.

(c) Additional reports, in writing or otherwise, may be required by the director. [Eff and comp 6/30/14; am and comp 11/10/16; comp 2/15/19; comp 1/31/21; am and comp] (Auth: HRS §397-4) (Imp: HRS §397-4)

§12-229-11 Repealed. [R 6/30/14]

§12-229-11.1 Investigations. The department may investigate accidents reported under section 12-229-10.1 involving amusement rides, and elevators and kindred equipment inspected under this chapter and may issue orders and recommendations with respect to the elimination and control of the causal factors. [Eff and comp 6/30/14; comp 11/10/16; comp 2/15/19; comp 1/31/21; comp] (Auth: HRS §397-4) (Imp: HRS §§397-4, 397-6)

§12-229-12 Repealed. [R 6/30/14]

§12-229-12.1 Violations and penalties. (a) The director may assess all civil penalties provided in this part, giving due consideration to the gravity of the violation, the good faith of the owner or contractor, and the history of previous violations.

(b) Violations. The following shall apply to violations:

- (1) Any owner or contractor who violates chapter 397, HRS, or any safety standards and codes adopted pursuant to chapter 91, HRS, or who violates or fails to comply with any order made under or by virtue of chapter 397, HRS, or who defaces, displaces, destroys, damages, or removes without the authority of the department any safety device, safeguard, notice, order, or warning required by chapter 397, HRS, its standards, or codes, shall be assessed a civil penalty of not more than \$10,000 for each such violation;
- (2) Any owner or contractor who allows or initiates the installation, construction, reconstruction, relocation, or alteration of any elevator or kindred equipment prior to obtaining an installation or alteration permit as required by section 12-229-4.1 shall be assessed a civil penalty of not more than \$10,000. The penalty may be reduced by a maximum of ten per cent for history of past violations;
- (3) Owners who fail to report an accident as required by section 12-229-10.1 shall be assessed a civil penalty of not more than \$5,000 per instance. Consideration may be given for good faith and history of violations;
- (4) Owners who fail to maintain or provide records or reports to the department as required by this part shall be assessed a civil penalty of not more than \$5,000 per record not maintained or provided;

- (5) Repeated violations shall be assessed a civil penalty of not more than \$10,000. Consideration may be given for gravity only;
 - (6) Owners who fail to take an elevator or kindred equipment out of service as specified in section 12-229-7.1(b)(4) shall be assessed a civil penalty of not more than \$10,000; and
 - (7) Each day a violation continues shall constitute a separate violation except during an abatement period.
- (c) Discrepancies and penalties. The following shall apply to discrepancies and penalties:
- (1) Any conditions found not in conformance with applicable standard or codes adopted pursuant to chapter 397, HRS, shall be regarded as discrepancies and shall be made known to the owner or contractor by letter or written order to correct or both. All discrepancies shall be satisfactorily resolved as soon as possible. When, in the opinion of the department, a discrepancy constitutes a potentially serious hazard, the department may prohibit the use of the equipment until the condition is abated. Failure to abate unsafe conditions or failure to correct discrepancies within the time prescribed shall be a violation subject to the civil penalties prescribed in this section;
 - (2) Assessing penalties.
 - (A) Consideration shall be given to the gravity of the violation. For a violative condition that could not or probably would not result in serious harm to life the penalty may be reduced by forty per cent;
 - (B) Consideration shall be given to the good faith of the owner or contractor. For immediate correction or for attempts to make correction or abate hazards that have been thwarted by

conditions beyond the control of the owner or contractor, the penalty may be reduced by forty per cent; and

- (C) Consideration shall be given for the history of previous violations. For no previous violations by the owner or contractor, the penalty may be reduced by ten per cent.

(d) Anyone who knowingly makes a false statement on any document required by chapter 397, HRS, upon conviction, shall be punished by a fine of not more than \$10,000 or imprisonment or both. Any evidence suggesting that a false statement may have been made shall be immediately referred to the director, who shall consult with the state attorney general for purposes of initiating appropriate action. [Eff and comp 6/30/14; am and comp 11/10/16; am and comp 2/15/19; comp 1/31/21; am and comp]
(Auth: HRS §397-4) (Imp: HRS §397-8)

§12-229-13 Repealed. [R 6/30/14]

§12-229-13.1 Review and appeal. (a) Any order or citation of the director shall be final and conclusive against an owner or contractor, unless an appeal is made in writing, clearly stating what items are being contested. The notice of contest must be addressed to the director and received or, if mailed, postmarked by no later than the twentieth calendar day following receipt of the order or citation.

(b) The director or the director's designee may hold a formal hearing, which shall result in a decision and order by the director. Any party who disagrees with the director's decision may appeal in writing to the director within twenty calendar days of receipt of the decision and order. The director shall promptly notify the labor and industrial relations appeals board of the notice of the contest. Where a prior formal hearing is held at the department level,

the labor and industrial relations appeals board shall conduct a case review using only the record.

(c) An owner or contractor may petition the director for modification of the abatement requirements in an order, as provided in section 397-9, HRS. [Eff and comp 6/30/14; comp 11/10/16; comp 2/15/19; comp 1/31/21; comp] (Auth: HRS §397-4) (Imp: HRS §397-9)

§12-229-14 Repealed. [R 6/30/14]

12-229-14.1 Trade secrets. Information obtained by the department containing or revealing a trade secret shall be held confidential and access shall be limited to authorized representatives of the director for purposes of carrying out chapter 397, HRS. [Eff and comp 6/30/14; comp 11/10/16; comp 2/15/19; comp 1/31/21; comp] (Auth: HRS §397-4) (Imp: HRS §397-11)

§12-229-15 Repealed. [R 6/30/14]

§12-229-15.1 Notifications of transfer and location. (a) The seller of any elevator or kindred equipment regulated by this part shall notify the department in writing using a form provided by the department within thirty calendar days of the sale of giving the HAW number, location name, location address of the equipment, and the name and address of the purchaser.

(b) The owner of any elevator or kindred equipment who gives, scraps, demolishes, or removes the device shall report the transaction and the name and address of the new owner, if any, within thirty calendar days of the transaction to the department using the form provided by the department. [Eff and

§12-229-15.1

comp 6/30/14; am and comp 11/10/16; comp 2/15/19;
comp 1/31/21; am and comp] (Auth: HRS
§397-4) (Imp: HRS §397-4)

§12-229-16 Repealed. [R 6/30/14]

§12-229-16.1 Variances. (a) In cases of practical difficulties, undue hardships, or new developments, an owner may apply for a variance from any elevator safety standard. The application must be in writing, clearly stating the standard from which a variance is sought, the conditions, means, practices, methods, operations, or processes proposed to be used, together with drawings, specifications, and other supporting data. The director may issue an order for a variance if what is proposed will provide a substantially equivalent level of safety to that provided by the standard.

(b) All variances granted pursuant to this chapter shall have only a future effect. The director may decline to entertain an application for variance on a subject or issue for which a discrepancy letter or citation has been issued to the owner or contractor involved and the discrepancy or violation has not yet been satisfactorily corrected or resolved.

(c) Before granting the variance, the director shall publish a notice in a paper of general circulation or post notice on the department's website notifying all potentially affected parties of the director's intent to grant the variance. The notice shall provide a period of thirty calendar days to object to the granting of the variance, after which time the variance shall become final if no objections are filed or a hearing is requested. The cost of the publication shall be borne by the petitioning party. Every notice shall specify the alternative to the safety standard being considered.

(d) Any party objecting to the granting of the variance must notify the director in writing within

the thirty-day period, stating the reasons why the variance should not be granted and the resultant specific impact on public safety. The objecting party's reasons for objection may also be based on grounds other than impact on public safety such as feasibility of compliance or lack of undue hardship to the petitioner. The objecting party may also elect to provide the reasons for the objection at a hearing.

(e) The hearing requested by the objecting party shall be held no later than forty-five days after the thirty-day period stated in the public notice as follows:

- (1) The objecting party or parties and the variance applicant shall be provided notice of the date, time, and place of the hearing at least fourteen calendar days before the scheduled hearing;
- (2) Each party shall be prepared to provide evidence supporting the party's case, including a brief oral statement summarizing such evidence;
- (3) The director shall provide a written determination to all parties;
- (4) If the director determines that the evidence does not support denial of the variance request, no further notice is required; and
- (5) If the director determines that the evidence supports a denial of the variance request, a notice shall be published in a newspaper of general circulation stating the reasons why the variance is not granted.

(f) If the variance application does not include all relevant information as indicated in subsection (a), the director may deny the application. The denial shall be submitted in writing to the applicant within thirty calendar days. A notice of denial shall include a brief statement of the grounds for the denial. A denial of an application shall be without prejudice to the filing of another application.

(g) Requests for reconsideration on denied variance requests. The variance applicant whose variance request was denied may file a petition for reconsideration of the denial with the director. The

petition must be filed in writing within twenty calendar days of the denial notice and should include all pertinent facts regarding why the variance should be granted.

- (1) The director may review the record on the case along with any additional information provided by the applicant or conduct further inquiries on the matter; and
- (2) Any party objecting to the director's decision shall use the review and appeal process as provided for in section 12-229-13.1. [Eff and comp 6/30/14; am and comp 11/10/16; am and comp 2/15/19; comp 1/31/21; am and comp] (Auth: HRS §397-4) (Imp: HRS §397-4)

§12-229-17 Records. Records shall be maintained by the elevator inspection branch of the department of labor and industrial relations for the purpose of preserving reports of inspections, witnessing of test and accident investigations, correspondence, prints, and memoranda for all objects inspected pursuant to this chapter. These records shall be maintained for a period of not less than five years for amusement rides, elevators, and kindred equipment." [Eff and comp 6/30/14; comp 11/10/16; comp 2/15/19; comp 1/31/21; comp] (Auth: HRS §397-4) (Imp: HRS §397-4)

EXHIBIT A
ELEVATOR AND KINDRED EQUIPMENT INSTALLATION AND
ALTERATION FEES

January 1, 2025

Alterations*:

Involving only the replacement of a single major component (such as a car door operator, valve, a jack or a cylinder)	\$300
Involving only cosmetic changes (such as car interior modernizations)	\$500
Involving two or more major components and/or subsystems:	
1-3 floors	\$900
4-9 floors	\$1,000
10-19 floors	\$1,100
20-29 floors	\$1,150
30-39 floors	\$1,250
40 or more floors	\$1,400
Escalator alteration	\$750

New Installations*

Dumbwaiter or material lift	\$750
Escalator, moving walk, or moving ramp	\$750
Platform lifts or stairway chairlifts	\$750
Elevator:	
1-3 floors	\$900
4-9 floors	\$1,000
10-19 floors	\$1,100
20-29 floors	\$1,150
30-39 floors	\$1,250
40 or more floors	\$1,400
Personnel hoists	\$650
Temporary use permits (construction car)	\$650

Additional inspections:

Normal workday, up to two hours	\$500/day
Normal workday, more than two hours	\$1,000/day
Overtime hours, up to two hours	\$1,000/day
Overtime hours, more than two hours	\$2,000/day

* For elevators which have considerable rise but few openings, such as observation or deep-well elevators, each ten feet of vertical rise shall be considered one floor for the purpose of determining installation or alteration permit fees.

EXHIBIT B

ELEVATOR AND KINDRED EQUIPMENT INSPECTION FEES

January 1, 2025

Permit and Renewal Inspection Fees¹:

Dumbwaiter or material lift	\$225
Escalator, moving walk, or moving ramp	\$325
Platform Lift or Stairway Chairlift	\$325
Hydraulic elevator - holed	\$400
Hydraulic elevator - holeless	\$400
Hydraulic elevator - roped holeless	\$475
Traction elevators:	
1-3 floors	\$375
4-9 floors	\$400
10-19 floors	\$450
20-29 floors	\$525
30-39 floors	\$625
40 or more floors	\$725
Personnel hoist	\$450
Temporary Use Permit (construction car)	\$450

Safety, load or internal test (witness fees):

Category 3 test	\$475
Category 3 test with safety overspeed valve	\$550
Category 3/5 test for roped hydraulic	\$625
Category 5 test	\$625
Category 5 with counterweight test	\$775
Escalator, internal	\$625

¹ For elevators which have considerable rise but few openings, such as observation or deep-well elevators, each ten feet of vertical rise shall be considered one floor for the purpose of determining permit renewal inspection fees.

Permit renewal and witness fees are per inspection, which may constitute one day or part of the day. If the inspector is required to return on another day or at another time on the same day, additional fees shall be assessed at the rate of \$500 per day for up to two hours and \$1,000 per day for more than two hours. Fees for overtime hours shall be \$1,000 per day for up to two hours and \$2,000 per day for more than two hours.

EXHIBIT C

INSPECTION AND TEST INTERVALS (IN MONTHS)

January 1, 2017

Equipment Type	Permit Renewal	Category 3	Category 5
Electric elevators	12	N/A	60
Hydraulic elevators	12	36	N/A
Roped-hydraulic Elevators	12	36	60
Escalators and moving walks ^[1]	12	36	N/A
Dumbwaiters	12	36	60
Material lifts	12	36	60
Platform lifts and stairway chairlifts	12	N/A	N/A
Inclined elevators	12	36	60
Screw-column elevators	12	36	60
Roof-top elevators	12	36	60
Construction cars	3	36	60
Personnel hoists ^[2]	3	N/A	N/A
Amusement rides	6	N/A	N/A

¹ Internal inspections of escalators and moving walks shall be performed at intervals of 36 months.

² Personnel hoists shall be load tested at intervals of 3 months.

Where an equipment is listed under both Category 3 of 36 months and Category 5 of 60 months, a combined Category 3 and Category 5 testing may be conducted every 5 years.

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Amendments to and compilation of chapter 12-229, Hawaii Administrative Rules, on the Summary Page dated March 20, 2026, were adopted March 20, 2026, following a public hearing held on March 6, 2026, after public notice was given in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, and the Garden Isle News, on February 3, 2026 and in The Maui News, on January 29, 2026.

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

Jade T. Butay
Director of Labor and
Industrial Relations

Josh Green, M.D.
Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed

IV. Regulation For Review

- A. Re-Discussion and Action on the Small Business Impact Statement Before and After Public Hearing for HAR Title 13 Chapter 146-6, Fees, promulgated by Department of Land and Natural Resources –
*Exhibit 2***

Ariola, Jetaime K

From: John McBride <hawaiianvillagetours1@hawaii.rr.com>
Sent: Saturday, April 4, 2026 5:58 PM
To: DBEDT SBRRB
Subject: [EXTERNAL] Rainbow Falls Admission Fees

Aloha Chair and Members of the Small Business Regulatory Review Board,

We respectfully submit this letter to request the Small Business Regulatory Review Board's review of the admission fee policy at Rainbow Falls, and its disproportionate impact on small tour and transportation businesses, particularly independent operators and Native Hawaiian-owned enterprises.

This concern is raised by a group of small tour operators, including Native Hawaiians, Hawaiian Home Lands beneficiaries, lessees, and wait-listed applicants, many of whom operate as sole proprietors or micro-businesses and rely on brief, low-margin stops at public natural and cultural sites such as Rainbow Falls.

Nature of the Concern

The admission fee structure at Rainbow Falls, as currently implemented, creates a cumulative financial burden on small tour businesses that differs materially from its impact on large tour companies or individual visitors. Small operators often make multiple short stops per day, operate with limited passenger counts, and absorb costs directly without the pricing flexibility available to larger commercial operators.

As a result:

- The per-stop and per-vehicle fee structure functions as a regressive cost, falling more heavily on small operators;

- Fees cannot easily be passed on to customers without rendering tours uncompetitive;
- Independent operators are effectively priced out of access to a public resource, despite operating lawfully and responsibly; and
- The policy discourages local, community-based tourism, contrary to state goals supporting small business development and Native Hawaiian economic self-sufficiency.

COVID-Era Public Process and Awareness Concerns

We further note that public testimony on the amendment establishing or modifying the admission fee policy occurred in or around June 2020, during the height of the COVID-19 pandemic. At that time, in-person public participation was suspended, many small businesses were temporarily closed or struggling to remain solvent, and normal outreach and engagement channels were significantly disrupted.

As a result, many small tour operators:

- Were unable to attend or meaningfully participate in public hearings;
- May not have been aware that amendments affecting commercial access and fees were under consideration; and
- Did not have a reasonable opportunity to assess or comment on the small business impacts of the proposed changes.

This context raises legitimate questions regarding whether the affected small business community had meaningful notice and opportunity for input, particularly given the long-term operational consequences of the fee structure.

Small Business Impact Considerations

We respectfully question whether the current fee structure:

- Was accompanied by a robust small business impact analysis, particularly under pandemic conditions;
- Considered alternatives or mitigations for micro-businesses and independent operators;
- Evaluated cumulative impacts on businesses making multiple short visits;
- Included effective outreach to affected small businesses during a period of widespread disruption; and
- Aligns with the intent of Hawai‘i’s small business protection statutes to avoid unnecessary or disproportionate regulatory burdens.

Request for SBRRB Action

We respectfully request that the Board:

1. Review the Rainbow Falls admission fee policy for compliance with small business impact and procedural fairness principles;
2. Consider whether the COVID-era public process warrants renewed review or supplemental stakeholder input;
3. Evaluate reasonable alternatives or accommodations for small tour businesses, including:
 - Tiered or capped fees,
 - Annual or operator-based permits,
 - Reduced rates for small or independent operators, or
 - Frequency- or time-based access options; and

- 4.
5. Recommend appropriate modifications to mitigate undue hardship while preserving site management objectives.

Good-Faith Engagement

This request is submitted in good faith and is not intended to oppose conservation or public access management. Rather, it seeks to ensure that regulatory approaches do not unintentionally exclude small, local, and Native Hawaiian-owned businesses, particularly where the original public process occurred under extraordinary circumstances.

We appreciate the Board's role in safeguarding fairness for Hawai'i's small business community and respectfully request the opportunity to provide additional information or testimony if helpful.

Mahalo for your time and consideration.

Respectfully,

John McBride

On behalf of small tour businesses and a coalition in formation of

Native Hawaiians and Hawaiian Home Lands Beneficiaries

808-895-1673

Hawaiianvillagetours1@hawaii.rr.com

Sent from my iPhone

**PRE-PUBLIC HEARING SMALL BUSINESS IMPACT STATEMENT
TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD**
(Hawaii Revised Statutes §201M-2)

RECEIVED
By JetaimeA at 6:11 am, Nov 13, 2019

Date: 11/5/2019

Department or Agency: DLNR - Division of State Parks

Administrative Rule Title and Chapter: Title 13 Chapter 146

Chapter Name: Fees

Contact Person/Title: Sang Pil Kim

E-mail: Sang.P.Kim@hawaii.gov Phone: 808-587-0505

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7?

Yes No

If "Yes," provide details: _____

I. Rule Description:

New Repeal Amendment Compilation

II. Will the proposed rule(s) affect small business?

Yes No

(If "No," no need to submit this form.)

* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

* "Small business" is defined as a "for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

Yes No

(If "Yes" no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

Yes No

(If "Yes" no need to submit this form.)

* * *

If the proposed rule affects small business and are not exempt as noted above, please provide a reasonable determination of the following:

1. Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected.

Primarily commercial tourism businesses that will need to pay an increased commercial parking and entrance fee for Hawaii State Parks

2. In dollar amounts, the increase in the level of direct costs such as fees or fines, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.

See Attached draft of fee changes

If the proposed rule imposes a new or increased fee or fine:

- a. Amount of the current fee or fine and the last time it was increased.

See Attached draft of fee changes

- b. Amount of the proposed fee or fine and the percentage increase.

See Attached draft of fee changes

- c. Reason for the new or increased fee or fine.

To raise revenue for the Division of State Parks to continue to steward/manage land assets and provide higher quality visitor experiences

- d. Criteria or methodology used to determine the amount of the fee or fine (i.e., Consumer Price Index, Inflation rate, etc.).

To off set the increase in cost elements for expenditure in park units to provide maintenance and management of the Division of State Parks.

3. The probable monetary costs and benefits to the agency or other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used.

Budget increase to the Division of State Parks - estimates are still being calculated based on feedback from vendors. We have requested to increase our Special Fund spending ceiling by \$2 million in Fiscal Year 2021 in anticipation of increase fee revenue for management, maintenance, public health and safety and quality patron experience - including the patrons of commercial transportation companies.

4. The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, modification of the fines schedule, performance rather than design standards, exemption, or other mitigating techniques.

The agency has the support of the Hawaii Tourism Authority, our contracted fee collection companies and has been advocating via the media for the need for enhanced revenue to offset the impact of over tourism. . . Collection of fees is a contracted service which is already established. The fees are only assessed when the commercial entity enters the park units, so there would be no impact if they patronize other locations.

5. The availability and practicability of less restrictive alternatives that could be implemented in lieu of the proposed rules.

There are no less restrictive alternatives in raising park fees as it is necessary to maintain the increased maintenance and staff expenses for the Division of State Parks. Having the legislature appropriate a commensurate amount of funds would be less restrictive, but this alternative has not been realized despite years of advocacy.

6. Consideration of creative, innovative, or flexible methods of compliance for small businesses. The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules.

Technological innovations to facilitate the collection of fees.

7. How the agency involved small business in the development of the proposed rules.

The agency has had a multitude of discussions with the Hawaii Tourism Authority about the impact on small businesses. Some vendors are small businesses that provide local jobs. The agency has maintained the position that commercial activity will be allowed to continue, even with the increased fees, as formal permission by permit would otherwise be required for commercial activity (tourism) use of parking and entering state parks.

- a. If there were any recommendations made by small business, were the recommendations incorporated into the proposed rule? If yes, explain. If no, why not.

N/A, based on existing protocols in place.

8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

No, the proposed fee schedule is comparable with the National Parks in Hawaii. The National Park Service charges more for small vehicles (1-7 passengers). On comparison with Honolulu County Division of Parks and Recreation, the proposed fee schedule for state parks is less stringent as it allows commercial activity to continue.

If yes, please provide information comparing the costs and benefits of the proposed rules to the costs and benefits of the comparable federal, state, or county law, including the following:

- a. Description of the public purposes to be served by the proposed rule.
N/A

- b. The text of the related federal, state, or county law, including information about the purposes and applicability of the law.
N/A

- c. A comparison between the proposed rule and the related federal, state, or county law, including a comparison of their purposes, application, and administration.
N/A

- d. A comparison of the monetary costs and benefits of the proposed rule with the costs and benefits of imposing or deferring to the related federal, state, or county law, as well as a description of the manner in which any additional fees from the proposed rule will be used.
N/A

- e. A comparison of the adverse effects on small business imposed by the proposed rule with the adverse effects of the related federal, state, or county law.
N/A

* * *

Small Business Regulatory Review Board / DBEDT
Phone: (808) 586-2594 / Email: DBEDT.sbrrb.info@hawaii.gov

This Statement may be found on the SBRRB Website at: <http://dbedt.hawaii.gov/sbrrb/resources/small-business-impact-statements>

November 21, 2019 Meeting Minutes

Small businesses affected include those that want to operate ocean activity tours for profit in Kaneohe Bay. Overall, the changes will clarify ambiguous language relating to educational and not-for-profit operations in Kaneohe Bay. DOBOR could not find any other methods of compliance that would still be within the recommendations of the Kaneohe Bay Master Plan to limit commercial activity in Kaneohe Bay.

DOBOR met with affected businesses to discuss proposals that would be fair and compliant with the Kaneohe Bay Master Plan. While small businesses recommended allowing increased commercial activity, DOBOR could not implement this because of the guidelines of the Kaneohe Bay Master Plan. Mr. Underwood added that the BLNR already approved the rules to move forward to public hearing.

Ms. Albitz made a motion to move the proposed rules on to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

B. Discussion and Action on Proposed New HAR Title 13, Chapter 146, Fees, promulgated by DLNR

Mr. Curt Cottrell, Administrator at DLNR's Division of State Parks, explained that Hawaii's state parks are one of the State's crown jewels in terms of providing for its residents, cultural access, and the tourism industry; he introduced Property Manager Mr. Sang Pil Kim, and Legal Fellow Mr. Robert Park.

Prior to 2016, the only state park charging an entrance fee was Diamond Head; fees were not charged to residents. As most of the existing fees are based on 1999 rates, DLNR is now looking to increase the fees to today's levels. The following parks are currently collecting fees via public/private partnerships: Iao Valley State Monument, Haena State Park, Hapuna Beach State Park, Akaka Falls, Waimea Canyon, Koke'e State Park, Makena State Park, and Nuuanu Pali Lookout.

He noted that Hawaii has record-breaking tourism numbers, however, the parks are beginning to show wear and tear. He distributed rate sheets along with expenses of the State parks, noting that roughly \$4,000,000 was spent last year. There is also a current \$40,000,000 backlog in maintenance. Another handout depicted current vehicle rate charges versus the proposed new rates.

In response to a question posed by Mr. Ritchie regarding charging fees, Deputy Attorney General Ahn explained that fees are a perfect example as to what should go through the administrative rule process as people should be able to comment on the fees without an Agency quietly increasing fees without transparency.

Mr. Cottrell stated that the proposed rules are trying to navigate through the high level of tourism and provide future flexibility. Mr. Kim added that ideally, they would like to reassess the rules every five years. Currently, there is no income stream from residents as the ratio is primarily 98% visitors.

During the discussion, Ms. Dawson added that the Film Office supports the Division of Parks' work and what it is currently doing. The film industry is directly impacted by the

condition of the state parks, which is the number one permit request for filming, partly due to the beauty of the parks. She concurred that the State has been charging substandard fees.

Chair Cundiff thanked DLNR's representatives for their insightful presentation noting that the fees and expenses need balancing with the park's beauty and natural resources and land. Clearly, waiting twenty years to increase fees is quite long. While everybody recognizes the fees necessity, the push-back is, "what am I getting for this?"

Mr. Ritchie made a motion to move the proposed amendments forward to public hearing. Ms. Atmospera-Walch seconded the motion, and the Board members unanimously agreed.

V. ADMINISTRATIVE MATTERS

A. Update on the Board's Upcoming Advocacy Activities and Programs in Accordance with the Board's Powers under Section 201M-5, HRS, on the following:

a. Discussion and Action on the Board's Draft Annual Report Summary for Submission to the Hawaii State Legislature, under Section 201M-5, (f) HRS

Ms. Albitz has a change to her business name listed in the Report and Chair Cundiff will change the Chair's Message. Mr. Ritchie suggested sending the Report once more before formal submittal. If there are any last-minute changes, please let DBEDT staff know.

Mr. Ritchie made a motion to accept the Board's draft Annual Report Summary for submission to the Hawaii State Legislature subject to the suggested changes. Mr. Shick seconded the motion, and the Board members unanimously agreed.

b. Meetings with Board Members and State Department Directors

Ms. Albitz met with DLNR, DOBOR, on October 17, 2019. She complimented DLNR on stakeholder feedback.

VI. NEXT MEETING – The next meeting is scheduled for Thursday, December 12, 2019 in Conference Room 405, 235 South Beretania Street, Leiopapa A Kamehameha Building (State Office Tower), Honolulu, Hawaii at 10:00 a.m.

VII. ADJOURNMENT – Mr. Ritchie made a motion to adjourn the meeting and Ms. Atmospera-Walch seconded the motion; the meeting adjourned at 12:17 p.m.

RECEIVED

By JetaimeA at 6:48 am, Nov 20, 2019

PARKING AND ENTRANCE FEES

For all State Park property designated a State Monument as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$25</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$50</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$90</u>

For all State Park property designated a State Park as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$25</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$50</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$90</u>

For all State Park property designated a State Recreation Area property as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$25</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$50</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$90</u>

For all State Park property designated a State Historic Park as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

<u>Commercial PUC vehicles:</u>	
<u>1-7</u>	<u>passenger vehicles: \$25</u>
<u>8-25</u>	<u>passenger vehicles: \$50</u>
<u>26 +</u>	<u>passenger vehicles: \$90</u>

For all State Park property designated a State Scenic Shoreline as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>No charge</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>No charge</u>

<u>Commercial PUC vehicles:</u>	
<u>1-7</u>	<u>passenger vehicles: \$15</u>
<u>8-25</u>	<u>passenger vehicles: \$30</u>
<u>26 +</u>	<u>passenger vehicles: \$50</u>

For all State Park property designated a Wayside Park as established by the Board of Land and Natural Resources, the parking fees shall be as follows:

<u>Residents:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>No charge</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

<u>Commercial PUC vehicles:</u>	
<u>1-7</u>	<u>passenger vehicles: \$15</u>
<u>8-25</u>	<u>passenger vehicles: \$30</u>
<u>26 +</u>	<u>passenger vehicles: \$50</u>

For all State Park property designated a State Recreational Pier as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>No charge</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>No charge</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$15</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$30</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$50</u>

For all State Park property designated a State Wilderness Park as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$25</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$50</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$90</u>

Amendment to Chapter 13-146
Hawaii Administrative Rules

Date

1. Chapter 13-146, Hawaii Administrative Rules, is amended by adding a new section to read as follows:

"§ 13-146-6 Fees. (a) The following fees are hereby established:

STATE PARK CAMPING FEES:

For all state park areas that allow camping, except for the Napali Coast State Wilderness Park, the camping fee shall be as follows:

Residents:

~~\$20 per night per camp site (up to six people)
\$2 per night for each additional person, with a
Maximum of ten people total per camp site~~

Nonresidents:

~~\$30 per night per camp site (up to six people)
\$3 per night for each additional person, with maximum
Of ten people total per camp site~~

NAPALI COAST STATE WILDNERNESS PARK

RESIDENTS: \$25/person per night

Nonresidents: \$35/person per night

CABIN RENTAL FEES:

HAPUNA BEACH STATE RECREATION AREA

Residents: \$40/night per A-Frame

Nonresidents: \$60/night per A-Frame

KALOPA STATE RECREATION AREA, POLIPOLI SPRINGS STATE RECREATION AREA, WAI`ANAPANAPA STATE PARK

Residents: \$70/night per cabin

Non-residents: \$100/night per cabin

FEES FOR CHANGE OR CANCELLATION OF CAMPING OR RENTAL CABIN RESERVATIONS:

\$3 per change
\$5 per cancellation

WAILOA STATE RECREATION AREAD DAY USE PAVILIONS

Large pavilions: \$125 rental fee, with a \$150 Deposit
Small pavilions: \$5/hour, with a \$50 deposit

~~PARKING FEES~~

~~NU'UANU PALI STATE WAYSIDE~~

~~Residents: No charge
Nonresidents: \$3
Commercial PUC vehicles:
1-7 passenger vehicles: \$6
8-25 passenger vehicles: \$12
26 + passenger vehicles: \$24~~

~~IAO VALLEY STATE MONUMENT~~

~~Residents: No charge
Nonresidents: \$5
Commercial PUC vehicles:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26 + passenger vehicles: \$40~~

~~MAKENA STATE PARK~~

~~Residents: No charge
Nonresidents: \$5
Commercial PUC vehicle fees:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26 + passenger vehicles: \$40~~

~~HĀPUNA BEACH STATE RECREATION AREA~~

~~Residents: No charge
Nonresidents: \$5
Commercial PUC vehicle:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26 + passenger vehicles: \$40~~

~~ENTRANCE FEES~~

~~DIAMOND HEAD STATE MONUMENT~~

~~Daily Rates: _____
Pedestrians: _____ \$1
Noncommercial vehicles (except mopeds): \$5
Mopeds: _____ \$1
Others (not listed): _____ \$1~~

~~Commercial Vehicles:~~

~~1-15 passenger vehicles: _____ \$10
16-25 passenger vehicles: _____ \$20
26+ passenger vehicles: _____ \$40~~

~~Annual Pass:~~

~~Pedestrians: _____ \$10
Private Vehicles: _____ \$30~~

~~AKAKA FALLS STATE PARK~~

~~Residents: _____ No charge
Nonresidents: _____ \$5 per vehicle
Others (not listed): _____ \$1 per person~~

~~Commercial PUC vehicle:~~

~~1-7 passenger vehicles: _____ \$10
8-25 passenger vehicles: _____ \$20
26 + passenger vehicles: _____ \$40~~

~~Waimea Canyon State Park and Kokee State Park~~

~~Residents: _____ No charge
Nonresidents: _____ \$5 per vehicle
Others: _____ \$1 per person~~

~~Commercial PUC vehicle:~~

~~1-7 passenger vehicles: _____ \$10
8-25 passenger vehicles: _____ \$20
26 + passenger vehicles
at Waimea Canyon State Park: _____ \$40~~

~~HA`ENA STATE PARK~~

~~Residents: _____ No charge
Visitors: _____ \$5 per vehicle
Others (not listed): _____ \$1 per person~~

~~Commercial PUC vehicles:~~

~~1-7 passenger vehicles: _____ \$10
8-25 passenger vehicles: _____ \$20
26+ passenger vehicles: _____ \$40~~

PARKING AND ENTRANCE FEES

For all State Park property designated a State Monument as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$25</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$50</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$90</u>

For all State Park property designated a State Park as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$25</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$50</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$90</u>

For all State Park property designated a State Recreation Area property as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$5</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$25</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$50</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$90</u>

For all State Park property designated a State Historic Park as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

Resident Entrance Fee: No charge
Nonresident Entrance Fee: \$5
Parking Fee per Noncommercial vehicle: \$10

Commercial PUC vehicles:
1-7 passenger vehicles: \$25
8-25 passenger vehicles: \$50
26 + passenger vehicles: \$90

For all State Park property designated a State Scenic Shoreline as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

Resident Entrance Fee: No charge
Nonresident Entrance Fee: No charge
Parking Fee per Noncommercial vehicle: No charge

Commercial PUC vehicles:
1-7 passenger vehicles: \$15
8-25 passenger vehicles: \$30
26 + passenger vehicles: \$50

For all State Park property designated a Wayside Park as established by the Board of Land and Natural Resources, the parking fees shall be as follows:

Residents: No charge
Nonresident Entrance Fee: No charge
Parking Fee per Noncommercial vehicle: \$10

Commercial PUC vehicles:
1-7 passenger vehicles: \$15
8-25 passenger vehicles: \$30
26 + passenger vehicles: \$50

For all State Park property designated a State Recreational Pier as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

Resident Entrance Fee: No charge
Nonresident Entrance Fee: No charge
Parking Fee per Noncommercial vehicle: No charge

<u>Commercial PUC vehicles:</u>		
1-7	passenger vehicles:	\$15
8-25	passenger vehicles:	\$30
26 +	passenger vehicles:	\$50

For all State Park property designated a State Wilderness Park as established by the Board of Land and Natural Resources, the parking and entrance fees shall be as follows:

Resident Entrance Fee:	No charge
Nonresident Entrance Fee:	\$5
Parking Fee per Noncommercial vehicle:	\$10

<u>Commercial PUC vehicles:</u>		
1-7	passenger vehicles:	\$25
8-25	passenger vehicles:	\$50
26 +	passenger vehicles:	\$90

OVERNIGHT PARKING FEES

For all State Park property, any parking past the operating hours for each state park shall be subject to parking rates as follows:

Overnight Parking Fee per Noncommercial vehicle: \$15

<u>Commercial PUC vehicles:</u>		
1-7	passenger vehicles:	\$40
8-25	passenger vehicles:	\$80
26 +	passenger vehicles:	\$100

(b) For purposes of this section, the following definitions shall apply:

“Commercial PUC vehicle” means a vehicles that is regulated by the Hawaii Public Utilities Commission.

“Resident” means a resident of the State with a valid State of Hawaii identification card or State of Hawaii driver’s license.”[Eff Dec 24 2015] (Auth: HRS §§ 184-3, 184-5)

2. New material is underscored
3. The amendments to chapter 13-146, Hawaii Administrative Rules, shall take effect ten dates

after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.

Suzanne D. Case,
Chairperson
Board of Land and Natural
Resources

RECEIVED

By JetaimeA at 6:14 am, Nov 13, 2019

PARKING AND ENTRANCE FEES

For State Park property, considered as a Wayside property as established by the Division of State Parks, the parking fees may be set as follows:

Residents:	No charge
Nonresidents:	\$5
Commercial PUC vehicles:	
1-7 passenger vehicles:	\$20
8-25 passenger vehicles:	\$40
26 + passenger vehicles:	\$50

For State Park property, considered as a Recreation Area property as established by the Division of State Parks, the parking and entrance fees may be set as follows:

Resident Entrance Fee:	No charge
Nonresident Entrance Fee:	\$10
Parking Fee per Noncommercial vehicle:	\$10

Commercial PUC vehicles:	
1-7 passenger vehicles:	\$40
8-25 passenger vehicles:	\$80
26 + passenger vehicles:	\$100

For State Park property, considered as a State Park as established by the Division of State Parks, the parking and entrance fees may be set as follows:

Resident Entrance Fee:	No charge
Nonresident Entrance Fee:	\$10
Parking Fee per Noncommercial vehicle:	\$10

Commercial PUC vehicles:	
1-7 passenger vehicles:	\$40
8-25 passenger vehicles:	\$80
26 + passenger vehicles:	\$100

OVERNIGHT PARKING FEES

For all State Park property, any parking past the operating hours for each state park shall be subject to parking rates as follows:

Parking Fee per Noncommercial vehicle: \$10

Commercial PUC vehicles:

<u>1-7</u>	<u>passenger vehicles:</u>	<u>\$40</u>
<u>8-25</u>	<u>passenger vehicles:</u>	<u>\$80</u>
<u>26 +</u>	<u>passenger vehicles:</u>	<u>\$100</u>

Amendment to Chapter 13-146
Hawaii Administrative Rules

RECEIVED
By JetaimeA at 6:17 am, Nov 13, 2019

Date

1. Chapter 13-146, Hawaii Administrative Rules, is amended by adding a new section to read as follows:

"§ 13-146-6 Fees. (a) The following fees are hereby established:

STATE PARK CAMPING FEES:

For all state parks that allow camping, except for the Napali Coast State Wilderness Park, the camping fee shall be as follows:

Residents:

\$12 per night per camp site (up to six people)
\$2 per night for each additional person, with a
Maximum of ten people total per camp site

Nonresidents:

\$18 per night per camp site (up to six people)
\$3 per night for each additional person, with maximum
Of ten people total per camp site

NAPALI COAST STATE WILDNERNESS PARK

RESIDENTS: \$15/person per night
Nonresidents: \$20/person per night

CABIN RENTAL FEES:

HAPUNA BEACH STATE RECREATION AREA

Residents: \$30/night per A-Frame
Nonresidents: \$50/night per A-Frame

KALOPA STATE RECREATION AREA, POLIPOLI SPRINGS STATE
RECREATION AREA, WAI`ANAPANAPA STATE PARK

Residents: \$60/night per cabin
Non-residents: \$90/night per cabin

FEES FOR CHANGE OR CANCELLATION OF CAMPING OR RENTAL CABIN RESERVATIONS:

\$3 per change
\$5 per cancellation

WAILOA STATE RECREATION AREAD DAY USE PAVILIONS

Large pavilions: \$125 rental fee, with a \$150 Deposit
Small pavilions: \$5/hour, with a \$50 deposit

~~PARKING FEES~~

~~NU'UANU PALI STATE WAYSIDE~~

~~Residents: No charge
Nonresidents: \$3
Commercial PUC vehicles:
1-7 passenger vehicles: \$6
8-25 passenger vehicles: \$12
26 + passenger vehicles: \$24~~

~~IAO VALLEY STATE MONUMENT~~

~~Residents: No charge
Nonresidents: \$5
Commercial PUC vehicles:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26 + passenger vehicles: \$40~~

~~MAKENA STATE PARK~~

~~Residents: No charge
Nonresidents: \$5
Commercial PUC vehicle fees:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26 + passenger vehicles: \$40~~

~~HĀPUNA BEACH STATE RECREATION AREA~~

~~Residents: No charge
Nonresidents: \$5
Commercial PUC vehicle:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26 + passenger vehicles: \$40~~

~~ENTRANCE FEES~~

~~DIAMOND HEAD STATE MONUMENT~~

~~Daily Rates: _____
Pedestrians: _____ \$1
Noncommercial vehicles (except mopeds): \$5
Mopeds: _____ \$1
Others (not listed): _____ \$1~~

~~Commercial Vehicles:
1-15 passenger vehicles: _____ \$10
16-25 passenger vehicles: _____ \$20
26+ passenger vehicles: _____ \$40~~

~~Annual Pass:
Pedestrians: _____ \$10
Private Vehicles: _____ \$30~~

~~AKAKA FALLS STATE PARK~~

~~Residents: _____ No charge
Nonresidents: _____ \$5 per vehicle
Others (not listed): _____ \$1 per person
Commercial PUC vehicle:
1-7 passenger vehicles: _____ \$10
8-25 passenger vehicles: _____ \$20
26 + passenger vehicles: _____ \$40~~

~~Waimea Canyon State Park and Kokee State Park~~

~~Residents: _____ No charge
Nonresidents: _____ \$5 per vehicle
Others: _____ \$1 per person
Commercial PUC vehicle:
1-7 passenger vehicles: _____ \$10
8-25 passenger vehicles: _____ \$20
26 + passenger vehicles
at Waimea Canyon State Park: _____ \$40~~

~~HA`ENA STATE PARK~~

~~Residents: _____ No charge
Visitors: _____ \$5 per vehicle
Others (not listed): _____ \$1 per person
Commercial PUC vehicles:
1-7 passenger vehicles: _____ \$10
8-25 passenger vehicles: _____ \$20
26+ passenger vehicles: _____ \$40~~

PARKING AND ENTRANCE FEES

For all State Park property considered as a Wayside property as established by the Division of State Parks, the parking fees shall be as follows:

<u>Residents:</u>	<u>No charge</u>
<u>Nonresidents:</u>	<u>\$5</u>
<u>Commercial PUC vehicles:</u>	
<u>1-7 passenger vehicles:</u>	<u>\$20</u>
<u>8-25 passenger vehicles:</u>	<u>\$40</u>
<u>26 + passenger vehicles:</u>	<u>\$50</u>

For all State Park property considered as a Recreation Area property as established by the Division of State Parks, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$10</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>
<u>Commercial PUC vehicles:</u>	
<u>1-7 passenger vehicles:</u>	<u>\$40</u>
<u>8-25 passenger vehicles:</u>	<u>\$80</u>
<u>26 + passenger vehicles:</u>	<u>\$100</u>

For all State Park property considered as a State Park as established by the Division of State Parks, the parking and entrance fees shall be as follows:

<u>Resident Entrance Fee:</u>	<u>No charge</u>
<u>Nonresident Entrance Fee:</u>	<u>\$10</u>
<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>
<u>Commercial PUC vehicles:</u>	
<u>1-7 passenger vehicles:</u>	<u>\$40</u>
<u>8-25 passenger vehicles:</u>	<u>\$80</u>
<u>26 + passenger vehicles:</u>	<u>\$100</u>

OVERNIGHT PARKING FEES

For all State Park property, any parking past the operating hours for each state park shall be subject to parking rates as follows:

<u>Parking Fee per Noncommercial vehicle:</u>	<u>\$10</u>
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Commercial PUC vehicles:

1-7	passenger vehicles:	\$40
8-25	passenger vehicles:	\$80
26 +	passenger vehicles:	\$100

(b) For purposes of this section, the following definitions shall apply:

"Commercial PUC vehicle" means a vehicles that is regulated by the Hawaii Public Utilities Commission.

"Resident" means a resident of the State with a valid State of Hawaii identification card or State of Hawaii driver's license." [Eff Dec 24 2015] (Auth: HRS §§ 184-3, 184-5)

2. New material is underscored
3. The amendments to chapter 13-146, Hawaii Administrative Rules, shall take effect ten dates after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.

Suzanne D. Case,
Chairperson
Board of Land and Natural
Resources

SMALL BUSINESS STATEMENT
"AFTER" PUBLIC HEARING TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD
(Hawaii Revised Statutes (HRS), §201M-3)

Department or Agency: _____

Administrative Rule Title and Chapter: _____

Chapter Name: _____

Contact Person/Title: _____

Phone Number: _____

E-mail Address: _____ Date: _____

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7?

Yes No

(If "Yes," please provide webpage address and when and where rules may be viewed in person. Please keep the proposed rules on this webpage until after the SBRRB meeting.)

I. Rule Description: New Repeal Amendment Compilation

II. Will the proposed rule(s) affect small business?

Yes No (If "No," no need to submit this form.)

* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

* "Small business" is defined as a "for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

Yes No

(If "Yes" no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

Yes No

(If "Yes" no need to submit this form.)

V. Please explain how the agency involved small business in the development of the proposed rules.

- a. **Were there any recommendations incorporated into the proposed rules? If yes, explain. If not, why not?**

VI. If the proposed rule(s) affect small business, and are not exempt as noted above, please provide the following information:

1. A description of how opinions or comments from affected small businesses were solicited.

2. A summary of the public's and small businesses' comments.

3. A summary of the agency's response to those comments.

4. The number of persons who:
 - (i) Attended the public hearing:
 - (ii) Testified at the hearing:
 - (iii) Submitted written comments:

5. Was a request made at the hearing to change the proposed rule in a way that affected small business?
 Yes **No**
 - (i) If "Yes," was the change adopted? **Yes** **No**
 - (ii) If No, please explain the reason the change was not adopted and the problems or negative result of the change.

Small Business Regulatory Review Board / DBEDT
Phone: (808) 586-2594 / Email: DBEDT.sbrrb.info@hawaii.gov
This statement may be found on the SBRRB Website at:

<http://dbedt.hawaii.gov/sbrrb-impact-statements- pre-and-post-public-hearing>

[COVID 3-2020 - 3-2022]

Approved: 8-20-2020

Small Business Regulatory Review Board

MEETING MINUTES - HELD THROUGH VIDEO-CONFERENCING

July 16, 2020

After P.H

- I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:02 a.m., with a quorum present, which was open to the public.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- Garth Yamanaka, 2nd Vice Chair
- Harris Nakamoto
- Dr. Nancy Atmospera-Walsh
- William Lydgate
- James (Kimo) Lee
- Taryn Rodighiero
- Mark Ritchie

ABSENT MEMBERS:

- Jonathan Shick

STAFF: DBEDT

Dori Palcovich
Jet'aime Alcos

Office of the Attorney General

Jennifer Polk-Waihee

II. APPROVAL OF JUNE 18, 2020 MINUTES

Mr. Ritchie made a motion to accept the June 18, 2020 meeting minutes, as amended. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed.

III. **OLD BUSINESS** - After Public Hearing

(attached) After PH Statement

- A. Discussion and Action on the Amendments and the Small Business Statement After Public Hearing of HAR Title 13 Chapter 146-6, Fees, promulgated by Department of Land and Natural Resources (DLNR)

Discussion leader and Vice Chair Albitz explained that the post public hearing rule changes reflect an increase in fees at state parks. While most people were in support of the increases, some wanted to increase the fees even higher, which was not done.

Mr. Curt Cottrell, Administrator at DLNR's Division of State Parks, stated that COVID-19 has changed the context and dynamics of tourism and the visitors attending Hawaii's state parks. The public hearing was the first "remote" hearing in the State, which turned out to be very successful.

Comments made at the public hearing were as expected with no negative feedback. Thirteen testifiers attended and five testifiers submitted written testimonies, all of which approved the proposed fee increases. Mr. Cottrell confirmed that State Parks cannot egregiously increase the admittance fees to visitors at a sufficiently higher rate than to residents.

Chair Cundiff reminded the members that at the pre-public hearing meeting with this Board, State Parks provided a very detailed presentation. He expressed that this was a long process and due to the detailed information, as well as DLNR engaging stakeholders, the rule-making process went through quite seamlessly. Mr. Cottrell agreed but expressed the challenges currently being experienced from COVID-19, he appreciated this Board's review of the proposed rules.

Vice Chair Albitz made a motion to move the proposed amendments to the Governor for adoption. Ms. Atmospera-Walch seconded the motion, and the Board members unanimously agreed.

IV. NEW BUSINESS – Before Public Hearing

A. Discussion and Action on the following proposals to Title 11, promulgated by Department of Health (DOH)

1. New HAR Chapter 53, Section 401, Water Quality Certifications

Chair Cundiff expressed that the information provided by DOH is excellently summarized, thoroughly laid out, informative, and easy to follow considering the extensive volume of information. Discussion leader Mr. Nakamoto affirmed that the DOH team did a great job with the presentation of the proposed rules, which are all pre-public hearing. He recently met with the DOH team members to discuss the proposals.

Mr. Alec Wong, Manager at DOH's Clean Water Branch, summarized the proposed new rule section by explaining that the proposal is not new as it is currently part of Chapter 54. The proposal reorganizes and streamlines the rules to be consistent with the minimum federal requirements. Overall, these rules are expected to be positive regarding the economic impact to the State as the rules will reduce the cost of preparing applications for certifications.

Mr. Nakamoto made a motion to move the proposed new rule section to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

2. Amendments to HAR Chapter 54, Water Quality Standards

Mr. Alec Wong summarized the proposal, which entails conforming the State's water quality standards to the minimum federal requirements by updating Hawaii's existing numeric human health water quality standards with the latest criteria recommended by EPA (Environmental Protection Agency). One of the main reasons for maintaining regular updates to the rules is to continue receiving federal grant funding from EPA.

RECEIVED
By AlcosJ at 10:15 am, Jul 08, 2020

Amendment and Compilation of Chapter 13-146
Hawaii Administrative Rules

(Date)

1. Chapter 13-146, Hawaii Administrative Rules, entitled "Hawaii State Park System", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 6 STATE PARKS

CHAPTER 146

HAWAII STATE PARK SYSTEM

Subchapter 1 General Provisions

- §13-146-1 Purpose
- §13-146-2 Definitions
- §13-146-3 Penalties
- §13-146-4 Closing of areas
- §13-146-5 User fees
- §13-146-6 Fees

Subchapter 2 Permitted & Prohibited Uses
of the Premises

- §13-146-7 Abandonment and unattended property
- §13-146-8 Agricultural use of premises
- §13-146-9 Aircraft
- §13-146-10 Animals
- §13-146-11 Historic property and burial sites
- §13-146-12 Audio devices
- §13-146-13 Boating
- §13-146-14 Camping

- §13-146-15 Communication equipment
- §13-146-16 Disorderly conduct
- §13-146-17 Explosives
- §13-146-18 False report
- §13-146-19 Firearms and other weapons
- §13-146-20 Fires
- §13-146-21 Fishing
- §13-146-22 Gambling
- §13-146-23 Geological features
- §13-146-24 Golfing
- §13-146-25 Intoxication; drug incapacitation
- §13-146-26 Lost and found articles
- §13-146-27 Memorialization
- §13-146-28 Modelcraft operation; kite flying
- §13-146-29 Parking
- §13-146-30 Picknicking
- §13-146-31 Portable engines and motors
- §13-146-32 Public property
- §13-146-33 Report of injury or damage
- §13-146-34 Residence prohibited
- §13-146-35 Sanitation and litter
- §13-146-36 Skating; skateboards; bicycling
- §13-146-37 Repealed
- §13-146-38 Swimming; nudity
- §13-146-39 Tampering with vehicle or vessel
- §13-146-40 Motorized vehicle operation
- §13-146-41 Wildlife
- §13-146-42 to 13-146-49 (Reserved)

Subchapter 3 Permits

- §13-146-50 General provisions
- §13-146-51 Camping permits
- §13-146-52 Lodging permits
- §13-146-53 Group use permits
- §13-146-54 Special use permits
- §13-146-55 to 13-146-64 (Reserved)

Subchapter 4 Commercial and Private
Operations

- §13-146-65 Advertisements
- §13-146-66 Business operations
- §13-146-67 Commercial photography
- §13-146-68 Commercial activities

Subchapter 5 `Iolani Palace State
Monument

- §13-146-69 Purpose
- §13-146-70 `Iolani Palace State Monument restrictions
- §13-146-71 `Iolani Monument permit limits
- §13-146-72 Penalties

Historical Note: Chapter 146 of Title 13,
Administrative Rules, is based substantially upon
Chapter 145, Title 13, Administrative Rules entitled
"Rules of the Hawaii State Park System." [Eff 6/22/81;
R 4/16/90] Chapter 145 of Title 13, Administrative
Rules, was based substantially upon the Division of
State Parks Regulation 1 entitled, "Relating to the
Regulation and Control of the State Parks System."
[Eff 12/9/43; am 8/12/76; R 9/28/81]

SUBCHAPTER 1

GENERAL PROVISIONS

§13-146-1 Purpose. The purpose of this chapter is to govern the use and protection of all lands, and historical and natural resources within the state park system. [Eff 4/16/90; comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-2 Definitions. As used in this chapter unless otherwise provided:

"Abandoned property" means any and all property, including personal property, items, materials, equipment, fixtures, motor vehicles or vessels that have been left unattended on land owed or controlled by the State for a continuous period of more than twenty-four hours without the written permission of the board or its authorized representative.

"Authorized representative" means any person authorized by the board of land and natural resources to act for the board including the chairperson, deputy directors, park administrators, park superintendents, park managers, and conservation enforcement officers.

"Board" means the board of land and natural resources.

"Camper" means any person engaged in a camping activity.

"Camping" means remaining within a designated camping area during closed hours or remaining within a state park while in possession of a sleeping bag, tent, tarpaulin, or other camping paraphernalia within the state park one hour after sunset until sunrise.

"Chairperson" means the chairperson of the board of land and natural resources.

"Commercial activity" means the use of or activity in a state park for which compensation is received by any person for goods or services or both

rendered to customers or participants in that use or activity. Display of merchandise, demanding or requesting gifts, money, or services, except as allowed by chapter 13-7, shall be considered commercial activity. Commercial activities include activities whose base of operations are outside the boundaries of the state park, or provide transportation to or from the state park.

"Compensation" includes, but is not limited to, monetary fees, barter, or services in-kind.

"Department" means the department of land and natural resources.

"Lodging" means cabin or shelter units available in certain parks for rental to the public as temporary living quarters.

"Motorized vehicle" means a motor vehicle of any type, including, but not limited to, automobiles, trucks, off highway vehicles such as all terrain vehicles, motorcycles, motor bikes, go-carts, motorcycles, motor scooters, mopeds, and dune buggies whether the vehicle is licensed or unlicensed.

"Nude" means uncovered post-pubertal human genitals, pubic areas, or the nipple or areola of post-pubertal human female breast.

"Picnic" means an outing with food provided by members of the group and eaten in the open.

"Premises" means any lands within the state park system.

"Recreational trailer" means a vehicle propelled by its own power or some independent power and used as a dwelling.

"State park system" means those public lands or lands under the control and management of the division of state parks.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, including mopeds, but excluding bicycles and devices other than bicycles moved by human power. [Eff 4/16/09; am and comp 6/8/99; am 12/9/02; am 1/22/10; comp]
(Auth: HRS §184-5) (Imp: HRS §§171-1, 184-5)

§13-146-3 Penalties. Any person violating any provision of this chapter, or any term or condition of any permit issued hereunder, shall be subject to administrative, civil and criminal penalties, and any materials, tools, equipment, or vehicles used in the violation may be seized and forfeited as provided by HRS section 184-5, section 199-7 and chapter 712A. [Eff 4/16/97; comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §§171-6, 171-6.5, 171-31.6, 184-5, 184-5.5, 199-7, 712A-4)

§13-146-4 Closing of areas. (a) The board or its authorized representative may establish a reasonable schedule of visiting hours for all or portions of the premises and close or restrict the public use of all or any portion thereof, when necessary for the protection of the area or the safety and welfare of persons or property, by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

(b) Vehicles left unattended in closed areas may be impounded by the board or its authorized representative at any time.

(c) All impounded vehicles shall be towed to a place of storage. Towing, storage and other related 13-146-7 costs shall be assessed pursuant to section 290-11, HRS. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-5 User Fees. Fees, as set by the board may be charged for:

- (1) Permits as noted in sections 13-146-50; 13-146-51; 13-146-52; 13-146-54; 13-146-66; 13-

- 146-67; 13-146-68;
- (2) Parking, and;
- (3) Entrance. [Eff and comp 6/8/99; am 1/22/10;
comp] (Auth: HRS §184-
3) (Imp: HRS §184-3)

§13-146-6 Fees. (a) The following state park camping and cabin fees ~~[are hereby established:]~~ shall be set according to the amounts in "Exhibit 2. Hawaii State Park System Camping and Cabin Rental Fee Schedule dated February 4, 2020" and "Exhibit 3. Hawaii State Park System Entrance and Parking Fee Schedule dated February 4, 2020."

~~**[STATE PARK CAMPING FEES:]**~~

~~For all state park areas that allow camping, except for the Napali Coast State Wilderness Park, the camping fee shall be as follows:~~

~~Residents:~~

~~\$12 per night per camp site (up to six people)
\$2 per night for each additional person, with a maximum of ten people total per camp site~~

~~Nonresidents:~~

~~\$18 per night per camp site (up to six people)
\$3 per night for each additional person, with maximum of ten people total per camp site~~

~~NAPALI COAST STATE WILDNERNESS PARK~~

~~RESIDENTS: \$15/person per night~~

~~Nonresidents: \$20/person per night~~

~~**CABIN RENTAL FEES:**~~

~~HAPUNA BEACH STATE RECREATION AREA~~

~~Residents: \$30/night per A-Frame~~

~~Nonresidents: \$50/night per A-Frame~~

~~KALOPA STATE RECREATION AREA, POLIPOLI SPRINGS STATE
RECREATION AREA, WAI`ANAPANAPA STATE PARK~~

~~Residents: \$60/night per cabin~~

~~Non-residents: \$90/night per cabin~~

~~FEES FOR CHANGE OR CANCELLATION OF CAMPING OR RENTAL CABIN RESERVATIONS:~~

~~\$3 per change
\$5 per cancellation~~

~~WAILOA STATE RECREATION AREA DAY USE PAVILIONS~~

~~Large pavilions: _____ \$125 rental fee, with a \$150
_____ deposit~~

~~Small pavilions: _____ \$5 hour, with a \$50 deposit~~

~~PARKING FEES~~

~~NU'UANU PALI STATE WAYSIDE~~

~~Residents: _____ No charge~~

~~Nonresidents: _____ \$3~~

~~Commercial PUC vehicles:~~

~~1-7 _____ passenger vehicles: _____ \$6~~

~~8-25 _____ passenger vehicles: _____ \$12~~

~~26 + _____ passenger vehicles: _____ \$24~~

~~IAO VALLEY STATE MONUMENT~~

~~Residents: _____ No charge~~

~~Nonresidents: _____ \$5~~

~~Commercial PUC vehicles:~~

~~1-7 _____ passenger vehicles: _____ \$10~~

~~8-25 _____ passenger vehicles: _____ \$20~~

~~26 + _____ passenger vehicles: _____ \$40~~

~~MAKENA STATE PARK~~

~~Residents: _____ No charge~~

~~Nonresidents: _____ \$5~~

~~Commercial PUC vehicle fees:~~

~~1-7 _____ passenger vehicles: _____ \$10~~

~~8-25 _____ passenger vehicles: _____ \$20~~

~~26 + _____ passenger vehicles: _____ \$40~~

~~HĀPUNA BEACH STATE RECREATION AREA~~

~~Residents: _____ No charge~~

~~Nonresidents: _____ \$5~~
~~Commercial PUC vehicle:~~
~~1-7 passenger vehicles: _____ \$10~~
~~8-25 passenger vehicles: _____ \$20~~
~~26 + passenger vehicles: _____ \$40~~

~~ENTRANCE FEES~~

~~DIAMOND HEAD STATE MONUMENT~~

~~Daily Rates: _____~~
~~Pedestrians: _____ \$1~~
~~Noncommercial vehicles (except mopeds): \$5~~
~~Mopeds: _____ \$1~~
~~Others (not listed): _____ \$1~~

~~Commercial Vehicles:~~

~~1-15 passenger vehicles: _____ \$10~~
~~16-25 passenger vehicles: _____ \$20~~
~~26+ passenger vehicles: _____ \$40~~

~~Annual Pass:~~

~~Pedestrians: _____ \$10~~
~~Private Vehicles: _____ \$30~~

~~AKAKA FALLS STATE PARK~~

~~Residents: _____ No charge~~
~~Nonresidents: _____ \$5 per vehicle~~
~~Others (not listed): _____ \$1 per person~~
~~Commercial PUC vehicle:~~
~~1-7 passenger vehicles: _____ \$10~~
~~8-25 passenger vehicles: _____ \$20~~
~~26 + passenger vehicles: _____ \$40~~

~~WAIMEA CANYON STATE PARK AND KOKEE STATE PARK~~

~~Residents: _____ No charge~~
~~Nonresidents: _____ \$5 per vehicle~~
~~Others: _____ \$1 per person~~
~~Commercial PUC vehicle:~~
~~1-7 passenger vehicles: _____ \$10~~
~~8-25 passenger vehicles: _____ \$20~~
~~26 + passenger vehicles~~

~~at Waimea Canyon State Park: _____ \$40~~

~~HA`ENA STATE PARK~~

Residents: _____	No charge
Visitors: _____	\$5 per vehicle
Others (not listed): _____	\$1 per person
Commercial PUC vehicles:	
1-7 passenger vehicles: _____	\$10
8-25 passenger vehicles: _____	\$20
26+ passenger vehicles: _____	\$40]

(b) For purposes of this section, the following definitions shall apply:

"Commercial PUC vehicle" means a vehicles that is regulated by the Hawaii Public Utilities Commission.

"Resident" means a resident of the State with a valid State of Hawaii identification card or State of Hawaii driver's license." [Eff 12/24/15; am and comp] (Auth: HRS § 184-5) (Imp: HRS §§ 184-3, 184-5)

SUBCHAPTER 2

PERMITTED AND PROHIBITED USES OF THE PREMISES

§13-146-7 Abandonment and unattended property.

(a) No person shall abandon motor vehicles or other property. All such property may be confiscated or impounded by the board or its authorized representative.

(b) In the event vehicles or other property left unattended interferes with the safe or orderly management of the premises, it may be impounded by the board or its authorized representative at any time.

(c) All impounded vehicles shall be towed to a place of storage. Towing, storage, and other related costs shall be assessed pursuant to section 290-11, HRS.

(d) All impounded or confiscated property, other than vehicles, shall be moved to a place of storage, and the owner shall be assessed moving, storage, and other related costs. Additionally, the owner of this property shall bear the responsibility for the risk of any loss or damage to their property.

(e) Abandoned vehicles may be sold at public auction pursuant to section 290-11, HRS. All other impounded or confiscated property shall be disposed of pursuant to section 171-31.5, HRS. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §§184-5, 290-11, 171-31.5)

§13-146-8 Agricultural use of premises. No person shall run at large, herd, drive across, or graze animals or use the premises for any other agricultural purpose except under a valid lease, contract, or special use permit issued by the board. [Eff and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-9 Aircraft. No person shall land or launch aircraft, as defined in section 261-1, HRS, including airplanes, airships, balloons, gliders, hang gliders, helicopters, parachutes, dirigibles, and other similar means of conveyance except with the written permission of the board or its authorized representative or in the case of an emergency. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-10 Animals. (a) No person shall enter the premises with dogs, cats, and other animals unless

they are crated, caged, on a leash which shall not exceed six feet in length, or otherwise under physical restrictive control at all times.

(b) No person shall enter public eating places, food stores, designated swimming areas, or beaches with animals. The board or its authorized representative may also designate, by the posting of appropriate signs, any portion of the premises where animals shall not be allowed. This section shall not apply to guide, signal, or service animals accompanying their masters.

(c) Persons responsible for any animal on the premises shall also be responsible for the clean up and proper disposal of animal droppings, for restoration and restitution for any damages caused by the animal, and, if the animal is loose, for restitution for any costs incurred in trapping and removing the animal.

(d) No person shall have, possess, or ride horses except in areas designated for this purpose by the board or its authorized representative, by permit or appropriate signs. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-11 Historic property and burial sites.

No person, natural or corporate or other legal entity, shall knowingly take appropriate, excavate, injure, destroy, or alter any historic property or burial site in the state park system, provided, however, that:

- (1) The board or its authorized representative may permit a person to conduct activities that would alter historic properties or burial sites;
- (2) The person issued the permit meets professional qualifications established in accordance with chapter 6E, Hawaii Revised Statute, and its implementing administrative rules; and

- (3) The person issued the permit possesses an annual permit to conduct archaeological activities in Hawaii when archaeological activities will be undertaken; and

The work undertaken shall comply with all applicable requirements of chapter 6E, Hawaii Revised Statutes, and its implementing administrative rules.

[Eff 4/16/90; comp 6/8/99; am 1/22/10; comp] (Auth: HRS § 184-5) (Imp: HRS §§ 6E-3, 6E-7, 6E-8, 6E-11, 6E-43, 6E-43.6)

§13-146-12 Audio devices. (a) No person shall operate or use any audio device including, but not limited, to radios, tape recorders, television sets musical instruments, compact disc players, and noise producing devices such as electric generating plants, or other equipment driven by motors or engines in a manner and at times which creates excessive noise or annoyance to park users or others outside the premises except with the written permission of the board or its authorized representative.

(b) No person shall operate or use public address systems whether fixed, portable, or vehicle mounted, on land, water, and roadways except when the use or operation is in connection with public gatherings or special events for which permits have been issued by the board or its authorized representative or when the use is in conjunction with emergency or rescue operations. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-13 Boating. (a) No person shall operate, leave unattended, beach, park, or launch vessels, as defined in section 200-6, HRS, including but not limited to boats, motorboats, houseboats, rowboats, powerboats, jet skis, sailboats, fishing

boats, towboats, scows, flatboats, cruisers, motor vessels, ships, barges, tugs, floating cabanas, party boats, charter boats, windsurfers, catamarans, ferryboats, canoes, rafts, kayaks, or any similar buoyant devices permitting or capable of free flotation where prohibited by the posting of appropriate signs, except with written permission of the board or its authorized representative, or in cases of emergency.

(b) No person shall moor or anchor vessels as defined in subsection (a) without the written permission of the board or its authorized representative, except anchoring in cases of emergency. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-14 Camping. No person shall camp or use recreational trailers or other camper units, except with the prior written authorization of the board or its authorized representative. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-15 Communication equipment. No person shall install or operate aerials, antennas, transmitters or other radio, telephone, television, or other communication equipment except hand held devices or equipment installed within vehicles without the permission of the board or its authorized representative. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §§184-5)

§13-146-16 Disorderly conduct. No person shall

engage in disorderly conduct, as defined in section 711-1101, HRS, within the premises. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §§184-5, 711-1101)

§13-146-17 Explosives. No person shall use or possess fireworks, firecrackers, or explosives, except with the written permission of the board or its authorized representative and subject to federal, state, and county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-18 False report. No person shall give a false or fictitious report or other information to any authorized representative investigating an accident or any violation of law or administrative rule. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-19 Firearms and other weapons. (a) No person shall use or possess bow and arrows, crossbows, firearms, pellet or BB guns, paintball guns, slingshots, or other implements designed to discharge missiles except as provided herein.

(b) Firearms and other weapons may be used or possessed if in accordance with section 13-146-41. The use or possession of firearms, and other weapons, when permitted, shall be subject to all federal, state, and county laws, ordinances, rules and regulations. Firearms and other weapons shall be unloaded when transported through nonhunting areas of the premises. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-20 Fires. (a) Fires are permitted only:

- (1) In picnicking and designated camping grounds where the fire will be confined in fireplaces or in grills;
- (2) In other locations, including backcountry, wilderness, and remote sections of the premises when a written permit has been secured from the board or its authorized representative;
- (3) On portions of the premises designated by the board or its authorized representative for fires. No permit is required for fires in the designated areas, which shall be posted; or
- (4) In stoves or lanterns using gasoline, kerosene, propane, butane, wood, charcoal, briquettes, gas, alcohol or other fuels.

(b) No person shall allow a fire to burn in a manner that surrounding shrubs, grasses, trees, or other combustible matter, or structures will be burned, scorched, or damaged.

(c) When no longer needed, fires shall be completely extinguished. No person shall leave a fire unattended.

(d) No person shall discard unextinguished cigarettes, cigars, pipe heels, matches, live coals, other burning material, provided, however that live coals may be deposited in ash pits wherever they are provided. [Eff 4/16/90; am and comp 6/8/99; comp

] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-21 Fishing. Unless specifically restricted herein or by other administrative rule, a person may fish or take mollusks and crustaceans, subject to all applicable federal, state, and county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/8/99; comp]

(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-22 Gambling. No person shall gamble or operate gambling devices. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-23 Geological features. No person shall destroy, disturb, or mutilate any geological features or dig or remove sand, earth, gravel, mineral, rock, fossil, coral, or any other substance except for digging in sand areas of beaches or as provided in section 13-146-32(f). No person shall excavate or quarry any stone, or lay, set, or cause any blast or explosion, or assist in these acts, except as provided by law or with the written permission of the board or its authorized representative. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-24 Golfing. No person shall play golf, or hit or drive golf balls except in areas designated for those activities. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-25 Intoxication; drug incapacitation.
(a) No person shall use or possess narcotics, or drugs, provided that a person may use or possess drugs legally prescribed by a physician. No person shall enter or remain within the premises when manifestly under the influence of alcohol, narcotics, or drugs.
(b) No person shall use or possess alcohol except with written permission of the board or its

authorized representative. [Eff 4/16/90; comp 6/8/99;
comp] (Auth: HRS §184-5) (Imp:
HRS §184-5)

§13-146-26 Lost and found articles. Any person finding lost articles shall deposit them at the nearest police station, leaving their name and address. [Eff 4/16/90; comp 6/8/99;
comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-27 Memorialization. No person shall install any monument, memorial, tablet, or other commemorative installation, except with the written permission of the board or its authorized representative. [Eff 4/16/90; comp 6/8/99;
comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-28 Modelcraft operation; kite flying. No person shall operate motorized aircraft, automobile, watercraft and other similar models except with the, written permission of the board or its authorized representative. Kites shall not be flown where kite flying is specifically prohibited by the posting of appropriate signs [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5)
(Imp: HRS §184-5)

§13-146-29 Parking. (a) No person shall park, stop, or stand vehicles except on roads and parking areas laid out, designed, or provided for parking. All persons shall observe the official traffic signs, wherever posted, restricting the parking, stopping, or

standing of vehicles. No person shall reserve parking spaces without the permission of the board or its authorized representative.

(b) No person shall park vehicles in designated handicapped stalls without a disabled persons placard displayed in that vehicle.

(c) No person shall park vehicles beyond the time limit indicated by the posting of appropriate signs.

(d) In the event a vehicle is parked in a manner that interferes with the safe or orderly management of the premises, or is parked in violation of any provision in this section, it may be impounded by the board or its authorized representative at any time.

(e) All impounded vehicles shall be towed to a place of storage. Towing, storage, and other related costs shall be assessed pursuant to section 290-11, HRS. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-30 Picnicking. A person may picnic except in designated campgrounds and in those locations prohibited by the board or its authorized representative by the posting of appropriate signs. The board or its authorized representative may also establish reasonable limitations on the length of time any person may use picnicking facilities by the posting of appropriate signs when limitations are necessary for the accommodation of the general public. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-31 Portable engines and motors. No person shall operate or use a portable motor driven electric generating plant, pump, compressor, or any other equipment driven by a portable engine or motor

without the written permission from the board or its authorized representative. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

- §13-146-32 Public property.** (a) No person shall destroy, deface, or remove any natural or historical feature or natural or historical resource.
- (b) No person shall intentionally or wantonly destroy, injure, deface, remove, disturb, or possess in any manner any public building, sign, equipment, monument, marker, or other structure.
- (c) A person may gather or collect for personal use, reasonable quantities of natural products of a renewable nature, including, but not limited to, seashells, fruits, berries, flowers, seeds, pine cones, seaweeds, driftwood, and marine objects of natural origin; provided, that the board or its authorized representative may establish seasons for picking of plums on Kauai. No person shall gather or collect these products for the purpose of sale. The quantities of these products may also be restricted by the board or its authorized representative.
- (d) A person may only gather dead material on the ground for use as fuel in campsites or picnic areas, except where gathering is prohibited by the board or its authorized representative by the posting of appropriate signs.
- (e) No person shall damage, destroy, dig, remove, or possess any tree, shrub or other plant, except for noxious weeds, as defined in chapter 4-68 unless authorized by the board or its authorized representative at any time.
- (f) A person may gather or collect small quantities of pebbles or small rocks by hand for personal use, except in prohibited areas which shall be posted. The quantities of these items, however, may be restricted by the board or its authorized representative. No person shall collect these objects for the purpose of sale.

(g) No person shall introduce animals, fish, or plants, including their reproductive bodies, into the premises.

(h) No person shall possess or use a mineral or metal detector, magnetometer, or other metal detecting device except on sand areas of beaches. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-33 Report of injury or damage. All incidents resulting in injury or death to persons or damage to property shall be reported as soon as possible to the board or its authorized representative. This report does not relieve persons from the responsibility of making any other report which may be required under federal, state, or county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-34 Residence prohibited. No person shall establish a temporary or permanent residence on the premises except with a permit or other written agreement with the board. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-35 Sanitation and Litter. (a) All persons shall dispose of garbage, trash, refuse, waste material, and rubbish of any kind only at places designated for its disposal or shall remove it from the premises. No person shall remove refuse or garbage from refuse containers nor remove or relocate these containers.

(b) No person shall drain or dump garbage, trash, rubbish, refuse, or waste except in places or

receptacles provided for this use.

(c) A person may only clean food or wash cooking and eating utensils and clothes or articles of household use in designated areas.

(d) No person shall pollute or contaminate any watershed, or water used for drinking purposes in any manner.

(e) No person shall dispose of fish entrails or other parts of fish or animals into salt waters within two hundred feet of boat docks or swimming areas or into fresh waters or in areas of public concentration.

(f) No person shall deposit any body waste in or on any portion of any comfort station or other public structure except into customary and proper receptacles provided by the State or by the permittee for that purpose. No person shall place any bottle, can, cloth, rag, metal, wood, stone, or any foreign substance in any of the fixtures in the station or structure. All comfort stations shall be used in a clean, sanitary, and orderly manner.

(g) No person shall urinate or defecate on the premises other than in the toilet facilities provided.

(h) No person shall bring, carry, or transport garbage, trash, rubbish, refuse, or waste from outside the premises for deposit or dumping on the premises.

[Eff 4/16/90; am and comp 6/8/99; am 1/22/10;
comp] (Auth: HRS §184-5) (Imp:
HRS §184-5)

§13-146-36 Skating; skateboards; bicycling. No person shall roller skate, skateboard, or bicycle in areas where prohibited by the posting of appropriate signs. [Eff 4/16/90; comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-37 Repealed. [R 12/9/02]

§13-146-38 Swimming; nudity. (a) A person may swim or bathe except in waters and at times where these activities are prohibited in the interest of public health or safety. These waters shall be designated by posting of appropriate signs. No person shall bathe, swim, walk, sunbathe, or remain on the premises in the nude, or take outdoor showers in the nude, except for bathing or changing clothes within enclosed facilities provided for these purposes or for the exposed breast of a nursing mother in the act of breastfeeding an infant.

(b) No person shall use flotation devices within designated swimming areas when prohibited by the board or its authorized representative, by the posting of appropriate signs.

(c) No person shall use surfboards and similar devices within the limits of designated swimming beach areas. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-39 Tampering with vehicle or vessel. No person shall tamper or attempt to tamper with any vehicle, vessel, or other equipment, or enter or go upon, move, or manipulate any of the parts or components of any vehicle, vessel, or other equipment or start or set the same in motion, except when it is under one=s lawful ownership or control. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS § 184-5) (Imp: HRS §184-5)

§13-146-40 Motorized vehicle operation. (a) No person shall drive or operate any motorized vehicles including but not limited to, automobiles, trucks, vans, off highway vehicles such as all terrain vehicles, motorcycles, motor bikes, mopeds, scooters, and trail bikes except on designated trails and roads

that are managed for motorized use, provided, however, that the use of a motorized wheelchair by an individual whose disability requires the use of a wheelchair shall not be considered driving or operating a motorized vehicle.

(b) No person shall drive or operate any motorized vehicles faster than posted speed limits, or in a reckless manner, or in a manner that endangers any person or property, or damages park resources.

(c) No person shall drive or operate motorized vehicles or any other motorized or drawn equipment over, on, or across any road or bridge if the gross load of the vehicle exceeds the posted weight limits unless authorized by the board or its authorized representative.

(d) No person shall drive or possess unlicensed vehicles and off highway vehicles in any park area except for use on trails, roads and in other areas designated for off highway vehicle use by appropriate signage. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-41 Wildlife. No person shall molest, disturb, injure, trap, take, catch, possess, poison, introduce, or kill any wild bird or mammal, or disturb their habitat except when authorized by federal, state, and county laws, ordinances, rules, and regulations. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS § 184-5) (Imp: HRS §184-5)

§§13-146-42 to 13-146-49 (Reserved).

SUBCHAPTER 3

PERMITS

§13-146-50 General provisions. (a) Permits governing the use of public facilities and areas within the premises shall consist of the following types:

- (1) Camping;
- (2) Lodging;
- (3) Group use;
- (4) Special use

(b) The board or its authorized representative may issue permits. The following conditions shall apply to all permits:

- (1) Permits shall be issued on a first-come first-served basis. The board or its authorized representative may withhold a portion of the available permits to be issued to walk-in applicants on a first-come first-served basis.
- (2) All responsible persons eighteen years of age or older shall be eligible to secure permits.
- (3) Permits shall be obtained by the means determined by the board, including, but not limited to, from the district offices of the department, through concessionaires, telephone or electronically through the Internet.
- (4) Permits obtained at the district offices shall be obtained between the hours of 8 a.m. and 3:30 p.m. on regular working days of the department.
- (5) Permits shall not be transferable.
- (6) Persons or organizations to whom permits are issued are bound by the permit conditions stipulated on or attached to the permit and any applicable federal, state, and county laws, ordinances, rules and regulations.
- (7) The size of groups as well as the length of time any permit may be in effect may be limited by the board or its authorized

- representative.
- (8) Fees and charges as set by the board shall be assessed for permits to defray the cost of special facilities, services, or supplies provided by the State, or to meet other conditions as the board or its authorized representative may prescribe to carry out the provisions of chapter 184, HRS. Charges may be waived by the board if, in their opinion, the waiver is in the public interest and benefits the State.
 - (9) All payments of fees and charges shall be in U.S. funds, and by credit card, in cash, cashier's check, certified check, traveler's check, postal money order, or bank money order, provided that personal or business checks may be used to pay for events that will occur thirty or more days after the date of payment.
 - (10) All permittees shall, upon request, show the permit to any law enforcement officer, the board or its authorized representative.
 - (11) Other procedures, terms and conditions deemed by the board or its authorized representative necessary to carry out the provisions of chapter 184, HRS, this chapter, or any applicable federal, state, or county statute, ordinance, or rule.
- (c) Permits may be denied when:
- (1) The premises or park facilities are closed or will be closed because of damages, or because of scheduled or ongoing construction, repairs, or maintenance activities, or because of other reasons.
 - (2) A state of emergency is declared by the board or other proper authorities.
 - (3) Natural or civil disturbances occur or threaten to occur, including, but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations, and employee strikes.
 - (4) There are inadequate facilities to meet the

- needs of the applicant for the permit.
- (5) The premises or facilities will be used by other permittees.
 - (6) The applicant has a prior record of noncompliance with permit conditions or violations of this chapter.
- (d) Permits may be denied, canceled or terminated at any time without advance notice when:
- (1) A state of emergency is declared by the board or other proper authorities.
 - (2) Natural or civil disturbances occur or threaten to occur, including, but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations, and employee strikes.
 - (3) Permittees violate or have previously violated permit conditions or provision of this chapter within a year of permit application.
 - (4) Fees, as required, are not paid. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5)
(Imp: HRS §184-5)

§13-146-51 Camping permits. (a) The following provisions shall apply to camping:

- (1) Camping and the use of recreational trailers or other camper units is only permitted at locations designated by the board or its authorized representative.
- (2) The board or its authorized representative may establish check-in and check-out times for camping facilities.
- (3) The installation or construction of permanent camping facilities is prohibited except as authorized by the board or its authorized representative.
- (4) The digging or leveling of the ground at any campsite is prohibited except with the written permission of the board or its

authorized representative.

- (5) Camping equipment shall be completely removed and the campsite cleaned before departure from the site.

(b) All persons, groups, organizations, or associations desiring to camp shall obtain a camping permit authorizing the use of specific camping areas and facilities:

- (1) Applicants for camping permits shall provide their name, address, telephone numbers, identification numbers and the names of all persons three years of age or older covered by the permit, and identification satisfactory to the board or its authorized representative, if requested.
 - (2) Each permit will reserve the use of the desired camping area for a specified date or dates.
 - (3) Requests for camping permits and confirmation of the same for state operated campsites shall be made either through the internet, a direct visit to the district offices, by telephone, or through the mail. Reservations for campsites operated by concessionaires shall be made directly with the concessionaire.
 - (4) The maximum camping duration under each permit at any one park or campground shall be five consecutive nights.
 - (5) Persons three years of age or older shall have their names printed on the permit to be allowed to camp.
- (c) Camping permits shall be denied when:
- (1) The size of the group exceeds the capacity of the existing facilities; or
 - (2) The applicant or any person to be covered by the permit has camped in or has been issued a camping permit for the same park or campground within a period of thirty days preceding the requested camping dates.
- (d) No person, group, organization, or

association shall remain at any one specified park, camping area, or backcountry, or in isolated sections of the premises for a period longer than five consecutive nights; provided however, that the board or its authorized representative may extend the stay for good cause. The board or its authorized representative may establish lower maximum camping periods for specific areas.

(e) Payment of fees and charges for camping permits shall be set by the board and the following shall apply:

- (1) Payment of the total cost of camping is required to received a permit. The fee shall be paid on the date of the reservation is made.
- (2) A service fee may be charged for permit issuance, changes to, or cancellation of an issued camping permit.
- (3) Refund of the total cost of the permit less any service fee, may be made through the internet or by notifying the district office, in writing, of the cancellation a minimum of fifteen days prior to the first day of permitted use.
- (4) Permits which are paid in full, and not canceled by the permittee, shall remain valid for the entire duration of the permit period. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-52 Lodging permits. (a) All persons, groups, organizations, or associations desiring to use a cabin facility shall obtain a lodging permit authorizing the use of specific cabin or cabins and facilities:

- (1) Applicants for lodging permits shall provide their name, address, telephone numbers and identification numbers, and the names of all persons three years of age or older covered

by the permit, and identification satisfactory to the board or its authorized representative, if requested.

- (2) Each permit shall reserve the use of the cabin facility named in the permit for a specified date or dates.
- (3) Requests for lodging permits and confirmation of the same for state operated lodging units shall be made either through the internet, a direct visit to the district offices, by means of telephone, or through the mail. Reservations for lodging units operated by concessionaires shall be made directly with the concessionaire.
- (4) The maximum stay at any one or more cabins in a specific park shall be five consecutive nights. The board or its authorized representative may extend the permit for good cause.
- (5) Persons three years of age or older must have their names printed on the permit to be allowed to stay in cabin facilities.

(b) A lodging permit shall not be issued if the applicant or any person to be covered by the permit has occupied or will occupy a cabin in the same park within a period of thirty days preceding the requested lodging dates.

(c) Payment of fees and charges for lodging permits shall be as follows:

- (1) Payment of the total cost of lodging is required to confirm the reservation. The fee shall be paid on the date the reservation is made.
- (2) A service fee may be charged for permit issuance, changes to, or cancellation of an issued lodging permit.
- (3) A security deposit of \$30 per cabin may be required if an applicant for a lodging permit has a prior record of noncompliance with the permit conditions or violations of this chapter. Refund of the security deposit will be made provided that the

permittee complies with permit conditions and with this chapter.

- (4) Refund of the total cost of the lodging, less any service fee, may be made through the internet or by notifying the district office, in writing, of the cancellation a minimum of fifteen days prior to the first occupancy date designated on the permit.

(d) Lodging permits shall be issued subject also to the following conditions:

- (1) Permittee shall be responsible for clean up of the cabin.
- (2) Permittee shall be responsible for the repair or replacement of any missing or damaged property.
- (3) The department shall not be responsible for any personal article left or lost by permittee.
- (4) If the permittee fails to properly notify the department or fails to occupy the cabin on the first scheduled day of occupancy, the permit shall be canceled and any deposit forfeited; provided that if the permittee prepaid the entire rental fee, the permit will remain valid for the entire duration of the permit period. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-53 Group use permits. (a) Any group larger than twenty-five members shall be required to obtain a group use permit to remain within the premises. t no charge shall obtain a collecting permit authorizing the collection in a specific area.

(b) Group use permits may be denied to any person, group, organization, or association when space is inadequate to accommodate the group or as otherwise provided in 13-146-50.

(c) Group use permits shall set forth the day and time the group shall be allowed to remain on the

premises as follows:

- (1) Permits may be issued for hours between 7 a.m. and midnight of the same day, except for park areas that are normally closed before midnight.
- (2) An earlier starting time may be granted by the board or its authorized representative to accommodate special functions.
- (3) Minors below the age of eighteen may be allowed to remain on the premises on their own, if the adult who secures the permit for them will be responsible for them and also provided that their use is between the hours 7 a.m. to 7 p.m. of the same day. Minors staying beyond 7 p.m. in park areas that normally stay open past 7 p.m. shall be under the supervision of adults on a ten minors to one adult ratio. All minors from the same family, who are accompanied by at least one of their parents, shall be allowed to remain in the area past the 7 p.m. deadline, where permitted, without regard to the adult-minor ratio.

(d) The board or its authorized representative may require the permittee at the permittees own cost, to provide licensed security services or protection in the interest of public safety and welfare and for the protection of property, when the number of persons under the permit is one hundred or more.

[Eff 4/16/90; am and comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-54 Special use permits. (a) Special uses shall be permitted only with a special use permit issued by the board or its authorized representative. Special uses are all types of uses other than camping, lodging, group use and activities permitted under chapter 13-7 which are considered compatible with the functions and purposes of each individual area, facility, or unit of the premises.

(b) Requests for permits for special uses shall each be considered on its own merits, including its effect on the park area, facilities, and the public use and enjoyment.

(c) Special uses include but are not limited to:

(1) Day use permits, commercial tours, and weddings; and

(2) Such activities as assemblies, carnivals, celebrations, concerts, demonstrations, festivals, gatherings, meetings, pageants, parades, and other community or ethnic oriented events, or activities, or other spectator attractions that are open to the general public or to restricted groups.

[Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§§13-146-55 to 13-146-64 (Reserved).

SUBCHAPTER 4

COMMERCIAL AND PRIVATE OPERATIONS

§13-146-65 Advertisements. No person shall display, post, or distribute notices or advertisements, except with the prior written permission of the board or its authorized representative. Permission may be granted only if the notice or advertisement relates to services, goods, or facilities available within the premises and the notices and advertisements are found by the board or its authorized representative to be desirable and necessary for the convenience and guidance of the public, or as allowed by chapter 13-7. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: §184-5) (Imp: §184-5)

§13-146-66 Business operations. No person shall engage in or solicit any business, except in accordance with the provisions of a permit, contract, license, lease, concession, or other written agreement with the board or its authorized representative, or as allowed by chapter 13-7. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5)
(Imp: HRS §184-5)

§13-146-67 Commercial filming, photography, and videotaping. (a) Before any motion picture is filmed or any video recordings, television production, or sound track is made, which involves the use of professional casts, models, settings, or crews, by any person other than bonafide, newsreel or news television personnel, a person shall obtain a written permit approved by the board or its authorized representative which shall be subject to the terms, conditions, and fees set by the board.

(b) Before any still photograph may be taken by a commercial photographer for commercial purposes, a person shall obtain a written permit approved by the board or its authorized representative. The permit shall be subject to terms, conditions, and fees set by the board. [Eff 4/15/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-68 Commercial activities. No person shall engage in commercial activities of any kind, without a written permit from the board or its authorized representative. [Eff 12/09/02; comp] (Auth: §184-5) (Imp: §184-5)

‘IOLANI PALACE STATE MONUMENT

§13-146-69 Purpose. The purpose of this subchapter is to provide rules specific to the ‘Iolani Palace State Monument in order to recognize, protect, and preserve the historic and cultural significance of the Monument and to meet the Monument’s educational mission to preserve the character of the era of Hawaii’s monarchy.

‘Iolani Palace State Monument (‘Iolani Monument) consists of ‘Iolani Palace, Barracks, Coronation Pavilion, Kanaina Building (Old Archives Building), Kekauluohi Building (State Archives Building) and Grounds consisting of 11 acres of land, including the perimeter wall and wrought iron fence bordered by King Street, Likelike Street, Hotel Street Mall and Richards Street.

‘Iolani Monument is one of the most important historical and cultural resources in Hawaii. Before the arrival of the missionaries in the 1820’s, a Hawaiian temple or heiau, known as “Kaahimauli,” was sited in this area. Later, a small mausoleum was built on the grounds to house the remains of King Liholiho and Queen Kamamalu. While the remains of these Royalty were moved to their new resting place in 1865, accounts state that the bones of certain chiefs remain on the site. King Kalakaua, out of respect for this sacred and hallowed place, raised a mound over it. Hawaiian culture demands great respect and care for the location of ancient burial sites of Hawaiian chiefs.

In 1882, ‘Iolani Palace was built and served to house Hawaii’s last Monarchs, King Kalakaua and Queen Lili’uokalani. This is the only palace of official royal residence in the United States. It is listed in the National Register of Historic Places and designated a National Historic Landmark. The State designated the area a Monument in recognition of its historic importance, and to utilize these unique resources to educate and promote awareness of the

historic and cultural character of the era of the Hawaiian monarchy.

The Friends of 'Iolani Palace, a non-profit organization which acts as the State's steward of the Palace under a lease agreement, holds the official designation as the State of Hawaii Museum of Monarchy History. Their mission is, "To preserve, restore, interpret, share and celebrate the unique cultural, historic and spiritual qualities of 'Iolani Palace and its Grounds for the benefit of Native Hawaiians, the People of Hawaii and the world."

'Iolani Monument also includes the Kekauluohi Building, the Hawaii State Archives Building. The Archives houses thousands of priceless and irreplaceable records generated by the State and the former territorial government and monarchy.

'Iolani Monument is a public gathering site. People are welcome to gather on the Grounds and to have limited and managed access to the Palace, Archives, Barracks and Coronation Pavilion. However, the sacred cultural sites, the rare historic resources, and the mission of the entire 'Iolani Monument to maintain the historic character of the Monarchy era, requires specific rules dedicated to protect and preserve the character, buildings, cultural sites and grounds for future generations. These rules serve the significant government interest of protecting the Monument and the safety of the persons who visit it. The Monument and the valuable historic property and records it holds must be preserved for the use and enjoyment of all of the people of Hawaii and visitors to the islands for generations to come. [Eff 10/30/08; comp]
(Auth: HRS §184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

§13-146-70 'Iolani Palace State Monument restrictions. (a) All other rules in this chapter shall apply to 'Iolani Palace State Monument except as provided herein. These rules do not infringe upon any

rights or privileges to gather and express opinion as provided by Chapter 13-7. However, these rules govern the time, place and manner in which such activities may occur for the purposes stated herein.

- (b) The following shall be prohibited:
 - (1) obstructing public access to the grounds, buildings, or structures;
 - (2) access on or in the Burial Mound located in the Diamond Head-Makai quadrant, as designed on the map attached as Exhibit 1;
 - (3) unauthorized occupation of any structure on the grounds, including but not limited to, 'Iolani Palace, Coronation Pavilion, Kanaina Building, 'Iolani Barracks Building and the Kekauluohi (Archives) Building;
 - (4) entering or remaining on the grounds during the hours they are closed, provided that persons with parking permits issued by the state Department of Accounting and General Services may enter and exit during the hours the grounds are closed for the purposes of parking and removing their cars;
 - (5) engaging in any activity so as to obstruct or impede pedestrians or vehicles, or harass or intimidate visitors, volunteers or employees traversing or on the premises either verbally or with physical contact or barriers; including but not limited to hindering or interfering with the public's use of one or more of the entry gates to the premises or building entrances;
 - (6) interference with the public's use of the premises or facilities, including but not limited to, the interpretive services, visitor services, government activities, enjoyment of the premises and programs by the general public;
 - (7) signs of a size greater than twelve (12) square feet;
 - (8) signs or flags left in place on the grounds for duration of greater than eight (8) hours;

- (9) taking showers or bathing;
- (10) sale or consumption of alcoholic beverages, with the sole exception that the Friends of 'Iolani Palace may allow alcohol at permitted events for the purpose of meeting their mission, subject to the conditions and insurance requirements established by the department under a lease agreement or permit;
- (11) gathering or collecting any material, natural or man-made, on the grounds or within the buildings;
- (12) weapons of any type, except those specifically permitted by the Department for ceremonial and reenactment events;
- (13) climbing, trimming or cutting any tree;
- (14) washing and polishing vehicles.

(c) The following activities and items shall be permitted but only with a permit issued by the department and subject to the limitations contained in this Subchapter:

- (1) activities with permits issued under chapter 13-7. Chapter 13-7 permits for the use of an area of the 'Iolani Monument shall be subject to all of the provisions of § 13-146-71 and § 13-146-72;
- (2) amplified music, amplified noise, or any kind of loudspeaker in excess of the noise limits of this Subchapter;
- (3) barbeques and cooking;
- (4) constructing, manufacturing, or repairing anything on the premises;
- (5) animals, including animals on leashes, except for service, guide, or signal animals;
- (6) weddings;
- (7) overnight parking, unless the person has a parking permit for the area issued by the Department of Accounting and General Services;
- (8) use of an artificial light source on the grounds;

- (9) tents, awnings or similar structures;
- (10) operating a generator;
- (11) signs, flags or bunting applied to any building, wall, fence, or gate provided that the department may require insurance prior to authorizing posting on any historical structure;
- (12) portable toilets.

(d) The department shall issue permits for the Monument on a first come first serve basis. In the event multiple permits are requested, the department shall accommodate the requests provided space is available and the historic structures and their contents are not jeopardized. The department shall issue permits without unreasonable delay, but no more than two business days after receipt of any permit application for a HAR 13-7 activity at 'Iolani Monument, and no more than forty-five days for other permits.

- (e) Entry to 'Iolani Palace shall be only by:
- (1) admission ticket issued by the Friends of 'Iolani Palace;
 - (2) permit issued by the department;
 - (3) a representative of the department or an authorized representative of the Friends of 'Iolani Palace.

(f) Public parking on the grounds of 'Iolani Palace State Monument may be restricted by the department due to activities on the grounds or by the Department of Accounting and General Services for maintenance purposes. [Eff 10/30/08; comp]
(Auth: HRS §184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

§13-146-71 'Iolani Monument permit limits.

Permits for items or activities listed under § 13-146-70(c) and any permits issued for the 'Iolani Monument under Title 13, Chapters 7 and 146, Hawaii Administrative Rules, shall be subject to the

following limitations:

(a) Time Limits: Permits shall not exceed a period of three (3) days in any seven (7) day period, with the sole exception that the Friends of 'Iolani Palace may allow signs, flags or bunting to be applied to the historic structures for longer periods as permitted by the department for the purpose of meeting their mission, subject to the conditions and insurance requirements established by the department under a lease agreement or permit. An individual or group may be limited in the number of permits issued in a given month based on the ability to accommodate multiple permit requests. Permits shall not be granted during the hours the Monument is closed, with the exception of state holidays and Sundays when permits may be issued for educational and commemorative activities;

(b) Noise Limits: Amplified music or noise may be limited to no more than 60 dba (decibels "A" weighted) during the period of tours of 'Iolani Palace and the Royal Hawaiian Band concerts on the premises, and no more than 75 dba (decibels "A" weighted) at any other time period;

(c) Location Limits: Permits issued for the 'Iolani Monument shall be limited to an area designated by the department. Permits issued under Title 13 Chapter 7 for the 'Iolani Monument shall be limited to the two Ewa quadrants on Monday-Thursday, and to the Ewa-Mauka quadrant on Fridays, as designated on the map attached as Exhibit 1, in order to avoid interference with the 'Iolani Palace tours and the Royal Hawaiian Band concerts. [Eff 10/30/08; comp _____] (Auth: HRS §184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

§13-146-72 Penalties. Permits issued under Title 13, Chapters 7 and 146, Hawaii Administrative Rules, for 'Iolani Monument may be subject to permit revocation if the terms and conditions of the permit are violated. Persons who have violated permit conditions or the rules may be ordered by the

department to leave the Monument. Permittees who have violated permit conditions or the rules may be denied future permits for 'Iolani Monument or subject to the imposition of additional permit restrictions." [Eff 10/30/08; comp _____] (Auth: HRS §184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

2. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 13-146, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, and filed with the Office of the Lieutenant Governor.

Suzanne D. Case
Chairperson
Board of Land and Natural
Resources

APPROVED FOR PUBLIC HEARING:

DEPUTY ATTORNEY GENERAL

Chapter 13-146

Exhibit 1. Quadrant Map.

(Date)

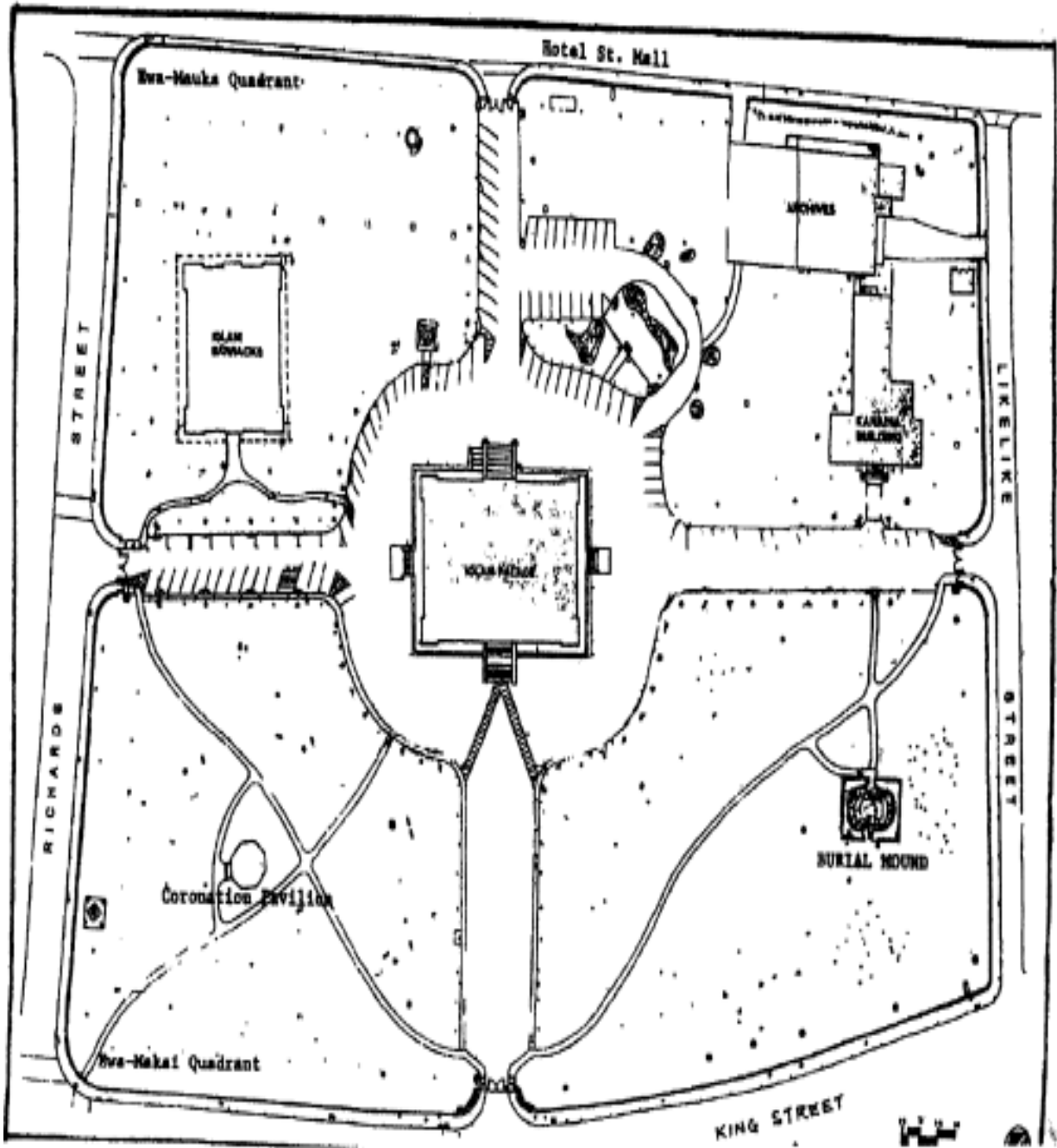


Exhibit 2. Hawaii State Park System Camping and Cabin Rental Fee Schedule.
(February 4, 2020)

	Resident Fee	Nonresident Fee
Camping Fees:		
State Park Camping Fees (except Napali Coast SWP)	\$20.00 night/campsite	\$30.00 night/campsite
Napali Coast State Wilderness Park Camping Fees	\$25.00 per person/night	\$35.00 per person/night
Cabin Rental Fees:		
Hapuna Beach SRA	\$40.00 per night/A-Frame	\$70.00 per night/ A- Frame
Kalopa SRA, Polipoli Springs SRA, Wai'anapanapa State Park	\$70.00 per night/cabin	\$100.00 per night/cabin
Camping or Cabin Rental Change Fee	\$3.00	\$3.00
Cancellation Fee	\$5.00	\$5.00
Day Use Pavilion Rental Fees:		
Large pavilions (Capacity of 150 or more persons)		\$250.00 flat day use fee
Medium pavilions (Capacity of 61-150 persons)		\$15.00/hour
Small pavilions (Capacity of 60 or fewer persons)		\$10.00/hour

Exhibit 3. Hawaii Park System Entrance and Parking Fee Schedule. (February 4, 2020)

Entrance Fees	
State Parks	Residents: No charge Nonresidents: \$5.00 per person
State Monuments	Residents: No charge Nonresidents: \$5.00 per person
State Recreational Areas	Residents: No charge Nonresidents: \$5.00 per person
State Historic Parks	Residents: No charge Nonresidents: \$5.00 per person
State Wilderness Parks	Residents: No charge Nonresidents: \$5.00 per person
State Scenic Shorelines	No charge
State Recreational Piers	No charge
State Wayside Parks	No charge

Parking Fees	
State Parks	
Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Monuments	
Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Recreational Areas	

Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Historic Parks	
Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Wilderness Parks	

Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Scenic Shorelines	
Per Noncommercial vehicle	No charge
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$15.00
8 to 25 passengers per vehicle	\$30.00
26+ passengers per vehicle	\$50.00
State Recreational Piers	
Per Noncommercial vehicle	No charge
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$15.00
8 to 25 passengers per vehicle	\$30.00
26+ passengers per vehicle	\$50.00

State Wayside Parks	
Per Noncommercial vehicle	Residents: No charge Nonresidents: \$7.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$15.00
8 to 25 passengers per vehicle	\$30.00
26+ passengers per vehicle	\$50.00
All State Park Facilities	Overnight Parking Fee
Noncommercial vehicle	\$20.00
Commercial vehicle	Prohibited

V. Administrative Matters

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force's most recent meeting pursuant to Act 133 to identify actions taken challenges encountered, and legislative measures necessary to facilitate, expediate, and coordinate state and intergovernmental permit processes; and appropriates funds
2. Becker Communications Inc., regarding the Board's Small Business Outreach
3. Presentations to Industry Associations
4. Staff's Small Business Outreach

VI. Legislative Matters

A. Discussion and Update on the following legislative matters:

1. **House Bill 1964 HD1 Relating to the State Building Code Council** – Requires the State Building Code Council to provide annual training to state and county permitting agency employees. Appropriates funds for the training, subject to a matching requirement from the counties.
2. **House Bill 1967 HD1 Relating to Permitting** – Requires the Department of Business, Economic Development, and Tourism to develop a permitting workforce pipeline in partnership with the University of Hawaii and community colleges and coordinate with state and county permitting agencies on certain tasks related to classification levels, salary and benefits, hiring and responsibilities of employees. Appropriates funds.
3. **House Bill 2606 HD2 Relating to Off-Site Construction** – Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Appropriates funds.
4. **Governor's Message 612** Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, **Leelen Park**, for a term to expire June 30, 2029
5. **Governor's Message 613** Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, **Cynthia Hobson**, for a term to expire June 30, 2029
6. **Governor's Message** Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, **Denver Coon**, for a term to expire June 30, 2032



Hawai'i State Legislature

Ka 'Aha'ōlelo Moku'āina 'O Hawai'i

HB1964 HD2 SD1

Measure Title: RELATING TO THE STATE BUILDING CODE COUNCIL.

Report Title: State Building Code Council; Counties; Annual Training; Building Codes; Permitting Agency Employees; Appropriation (\$)

Description: Implements certain recommendations of the SPEED Task Force. Requires the State Building Code Council to provide annual training to state and county permitting agency employees. Appropriates funds for the training, subject to a matching requirement from the counties. Effective 7/1/2055. (SD1)

Companion: [SB2910](#)



Package: None


Current Referral: PSM/EIG, WAM

Introducer(s): KEOHOKAPU-LEE LOY, AMATO, BELATTI, EVSLIN, GRANDINETTI, ILAGAN, KAHALOA, KUSCH, LOWEN, MARTEN, MATAYOSHI, MIYAKE, MORIKAWA, OLDS, SAYAMA, TAKAYAMA, TAKENOUCI, TAM, TARNAS, TEMPLO

Measure Status History

[Sort by Date](#)

Date	Chamber	Status Text
3/30/2026	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
3/30/2026	S	Reported from PSM/EIG (Stand. Com. Rep. No. 3229) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.

3/23/2026	S	The committee(s) on PSM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in PSM were as follows: 4 Aye(s): Senator(s) Fukunaga, Lee, C., Hashimoto, DeCorte; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Inouye.
3/23/2026	S	The committee(s) on EIG recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in EIG were as follows: 5 Aye(s): Senator(s) Wakai, Chang, Richards, Fevella; Aye(s) with reservations: Senator(s) DeCoite ; 0 No(es): none; and 0 Excused: none.
3/16/2026	S	The committee(s) on PSM/EIG has scheduled a public hearing on 03-23-26 3:00PM; Conference Room 016 & Videoconference.
3/12/2026	S	Referred to PSM/EIG, WAM.
3/12/2026	S	Passed First Reading.
3/12/2026	S	Received from House (Hse. Com. No. 330).
3/10/2026	H	Passed Third Reading as amended in HD 2 with none voting aye with reservations; none voting no (0) and Representative(s) Kong, Pierick excused (2). Transmitted to Senate.
3/6/2026	H	Forty-eight (48) hours notice Tuesday, 03-10-26.
3/6/2026	H	Reported from FIN (Stand. Com. Rep. No. 1076-26) as amended in HD 2, recommending passage on Third Reading. 
2/23/2026	H	The committee on FIN recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 16 Ayes: Representative(s) Todd, Takenouchi, Hartsfield, Hussey, Keohokapu-Lee Loy, Kitagawa, Kusch, Lee, M., Miyake, Morikawa, Perruso, Templo, Yamashita, Alcos, Gedeon, Reyes Oda; Ayes with reservations: none; Noes: none; and Excused: none.
2/19/2026	H	Bill scheduled to be heard by FIN on Monday, 02-23-26 2:00PM in House conference room 308 VIA VIDEOCONFERENCE.
2/13/2026	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Chun, Kong, Kusch excused (3).
2/13/2026	H	Reported from WAL (Stand. Com. Rep. No. 267-26) as amended in HD 1, recommending passage on Second Reading and referral to FIN.
2/5/2026	H	The committee on WAL recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 8 Ayes: Representative(s) Hashem, Morikawa, Belatti, Ichiyama, Poepoe, Woodson, Souza; Ayes with reservations: Representative(s) Shimizu; Noes: none; and 1 Excused: Representative(s) Iwamoto.
2/2/2026	H	Bill scheduled to be heard by WAL on Thursday, 02-05-26 9:00AM in House conference room 411 VIA VIDEOCONFERENCE.

1/28/2026	H	Referred to WAL, FIN, referral sheet 3
1/26/2026	H	Introduced and Pass First Reading.
1/23/2026	H	Pending introduction.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.





HB1967 HD1

Measure Title: RELATING TO PERMITTING.

Report Title: Permitting; Permitting Workforce Pipeline; Hiring; Department of Business, Economic Development, and Tourism; University of Hawai'i; Community Colleges; Counties; Appropriation (\$)

Description: Implements certain recommendations of the SPEED Task Force. Requires the Department of Business, Economic Development, and Tourism to develop a permitting workforce pipeline in partnership with the University of Hawai'i and community colleges and coordinate with state and county permitting agencies on certain tasks related to classification levels, salary and benefits, hiring, and responsibilities of employees. Appropriates funds. Effective 7/1/3000. (HD1)

Companion: [SB2909](#)

Package: None

Current Referral: EDT/EDU, WAM

Introducer(s): KEOHOKAPU-LEE LOY, AMATO, BELATTI, EVSLIN, ILAGAN, KAHALOA, KAPELA, KILA, KUSCH, LOWEN, MARTEN, MIYAKE, MORIKAWA, OLDS, TAKENOUCHI, TAM, TARNAS



Measure Status History

[Sort by Date](#)

Date	Chamber	Status Text
3/10/2026	S	Referred to EDT/EDU, WAM.
3/6/2026	S	Passed First Reading.
3/6/2026	S	Received from House (Hse. Com. No. 66).
3/5/2026	H	Passed Third Reading with none voting aye with reservations; none voting no (0) and Representative(s) Perruso excused (1). Transmitted to Senate.
3/5/2026	H	Reported from FIN (Stand. Com. Rep. No. 780-26), recommending passage on Third Reading.
3/2/2026	H	The committee on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 16 Ayes: Representative(s) Todd, Takenouchi, Hartsfield, Hussey, Keohokapu-Lee Loy, Kitagawa, Kusch, Lee, M., Miyake, Morikawa, Perruso, Templo, Yamashita, Alcos, Gedeon, Reyes Oda; Ayes with reservations: none; Noes: none; and Excused: none.



HOUSE CONFERENCE ROOM 308 VIA VIDEOCONFERENCE.

2/18/2026	H	Report adopted; referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and none excused (0).
2/18/2026	H	Reported from HED (Stand. Com. Rep. No. 404-26), recommending referral to FIN.
2/13/2026	H	The committee on HED recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 9 Ayes: Representative(s) Garrett, Amato, Evslin, Kapela, La Chica, Olds, Woodson, Muraoka, Souza; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) Kila.
2/11/2026	H	Bill scheduled to be heard by HED on Friday, 02-13-26 2:00PM in House conference room 309 VIA VIDEOCONFERENCE.
2/11/2026	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on HED with none voting aye with reservations; Representative(s) Pierick voting no (1) and Representative(s) Holt excused (1).
2/11/2026	H	Reported from ECD (Stand. Com. Rep. No. 144-26) as amended in HD 1, recommending passage on Second Reading and referral to HED.
2/4/2026	H	The committee on ECD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Ilagan, Hussey, Holt, Tam, Templo, Yamashita, Gedeon; Ayes with reservations: none; Noes: none; and Excused: none.
1/30/2026	H	Bill scheduled to be heard by ECD on Wednesday, 02-04-26 10:00AM in House conference room 423 VIA VIDEOCONFERENCE.
1/28/2026	H	Referred to ECD, HED, FIN, referral sheet 3
1/26/2026	H	Introduced and Pass First Reading.
1/23/2026	H	Pending introduction.



S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

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Hawai'i State Legislature

Ka 'Aha'ōlelo Moku'āina 'O Hawai'i

HB2606 HD2 SD1

Measure Title: RELATING TO OFF-SITE CONSTRUCTION.

Report Title: State Building Code Council; Off-site Construction; Working Group; Report; Appropriation (\$)

Description: Implements certain recommendations of the SPEED Task Force. Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Requires a report to the Legislature. Appropriates funds. Effective 7/1/2055. (SD1)

Companion:



Package: None


Current Referral: PSM, WAM

Introducer(s): KEOHOKAPU-LEE LOY, AMATO, COCHRAN, EVSLIN, HARTSFIELD, HUSSEY, KAHALOA, KILA, LOWEN, MARTEN, MORIKAWA, OLDS, TAKAYAMA, TAM, TARNAS

Measure Status History

[Sort by Date](#)

Date	Chamber	Status Text
4/9/2026	S	One Day Notice 04-10-26.
4/9/2026	S	Reported from WAM (Stand. Com. Rep. No. 3633) with recommendation of passage on Third Reading.
4/7/2026	S	The committee(s) on WAM recommend(s) that the measure be PASSED, UNAMENDED. The votes in WAM were as follows: 12 Aye(s): Senator(s) Dela Cruz, Moriwaki, DeCoite, Elefante, Hashimoto, Inouye, Kanuha, Kidani, Kim, Richards, Wakai, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Lee, C..
4/2/2026	S	The committee(s) on WAM will hold a public decision making on 04-07-26 10:31AM; Conference Room 211 & Videoconference.

3/30/2026	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
3/30/2026	S	Reported from PSM (Stand. Com. Rep. No. 3232) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
3/23/2026	S	The committee(s) on PSM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in PSM were as follows: 4 Aye(s): Senator(s) Fukunaga, Lee, C., Hashimoto, DeCorte; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Inouye.
3/16/2026	S	The committee(s) on PSM has scheduled a public hearing on 03-23-26 3:01PM; Conference Room 016 & Videoconference.
3/10/2026	S	Referred to PSM, WAM.
3/6/2026	S	Passed First Reading.
3/6/2026	S	Received from House (Hse. Com. No. 125).
3/5/2026	H	Passed Third Reading with none voting aye with reservations; none voting no (0) and Representative(s) Perruso excused (1). Transmitted to Senate.
3/5/2026	H	Reported from FIN (Stand. Com. Rep. No. 857-26), recommending passage on Third Reading.
3/2/2026	H	The committee on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 15 Ayes: Representative(s) Todd, Takenouchi, Hartsfield, Hussey, Keohokapu-Lee Loy, Kitagawa, Kusch, Lee, M., Miyake, Morikawa, Perruso, Templo, Yamashita, Gedeon, Reyes Oda; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) Alcos. 
2/27/2026	H	Bill scheduled for decision making on Monday, 03-02-26 10:00AM in conference room 308 VIA VIDEOCONFERENCE.
2/27/2026	H	The committee(s) on FIN recommend(s) that the measure be deferred until 03-02-26.
2/24/2026	H	Bill scheduled to be heard by FIN on Friday, 02-27-26 2:00PM in House conference room 308 VIA VIDEOCONFERENCE.
2/20/2026	H	Report adopted; referred to the committee(s) on FIN as amended in HD 2 with none voting aye with reservations; none voting no (0) and Representative(s) Quinlan excused (1).
2/20/2026	H	Reported from WAL (Stand. Com. Rep. No. 703-26) as amended in HD 2, recommending referral to FIN.

2/19/2026	H	The committee on WAL recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 9 Ayes: Representative(s) Hashem, Morikawa, Belatti, Ichiyama, Iwamoto, Poepoe, Woodson, Shimizu, Souza; Ayes with reservations: none; 0 Noes: none; and 0 Excused: none.
2/13/2026	H	Bill scheduled to be heard by WAL on Thursday, 02-19-26 9:00AM in House conference room 411 VIA VIDEOCONFERENCE.
2/11/2026	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on WAL with none voting aye with reservations; none voting no (0) and Representative(s) Holt excused (1).
2/11/2026	H	Reported from HSG (Stand. Com. Rep. No. 137-26) as amended in HD 1, recommending passage on Second Reading and referral to WAL.
2/6/2026	H	The committee on HSG recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 8 Ayes: Representative(s) Evslin, Miyake, Cochran, Grandinetti, Kila, Kitagawa, Muraoka, Pierick; Ayes with reservations: none; 0 Noes: none; and 1 Excused: Representative(s) La Chica.
2/3/2026	H	Bill scheduled to be heard by HSG on Friday, 02-06-26 9:30AM in House conference room 430 VIA VIDEOCONFERENCE.
2/2/2026	H	Referred to HSG, WAL, FIN, referral sheet 6
1/28/2026	H	Introduced and Pass First Reading.



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Hawai'i State Legislature

Ka 'Aha'ōlelo Moku'āina 'O Hawai'i

GM612

Measure Title: Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, LEELAN PARK, for a term to expire 06-30-2029.

Report Title: Small Business Regulatory Review Board

Description:

Companion:

Package:

Current Referral: EDT



Introducer(s):

Measure Status History

[Sort by Date](#)

Date	Chamber	Status Text
4/7/2026	S	The recommendation of the committee(s) on EDT is to ADVISE AND CONSENT to the nomination(s). The votes in EDT were as follows: 3 Aye(s): Senator(s) DeCoite, Wakai, Fukunaga; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Kim, Fevella.
4/2/2026	S	The committee(s) on EDT has scheduled a public hearing on 04-07-26 1:00PM; Conference Room 229 & Videoconference.
1/30/2026	S	Referred to EDT.
1/30/2026	S	Received.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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Hawai'i State Legislature

Ka 'Aha'ōlelo Moku'āina 'O Hawai'i

GM613

Measure Title: Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, CYNTHIA HOBSON, for a term to expire 06-30-2029.

Report Title: Small Business Regulatory Review Board

Description:

Companion:

Package:

Current Referral: EDT



Introducer(s):

Measure Status History

[Sort by Date](#)

Date	Chamber	Status Text
4/7/2026	S	The recommendation of the committee(s) on EDT is to ADVISE AND CONSENT to the nomination(s). The votes in EDT were as follows: 3 Aye(s): Senator(s) DeCoite, Wakai, Fukunaga; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Kim, Fevella.
4/2/2026	S	The committee(s) on EDT has scheduled a public hearing on 04-07-26 1:00PM; Conference Room 229 & Videoconference.
1/30/2026	S	Referred to EDT.
1/30/2026	S	Received.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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