

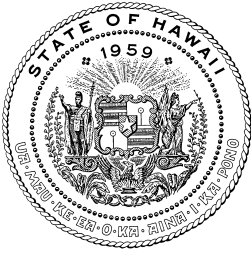
August 17, 2016 ~ SBRRB Meeting Checklist

Member Attendance				
	Airline Preference	From	Details	Attend
Anthony Borge, Chair (E)(P)	NA	Oahu	Parking Pass	Yes
Barbara Bennett, 2nd Vice Chair (attached)	HA	Kauai	Parking Pass	Yes
Kyoko Kimura (attached)	HA	Maui	Parking Pass	Yes
Harris Nakamoto, Vice Chair (E)	NA	Oahu	NA	Yes
Director's ex officio - Mark Richey (vacating)	NA	Oahu	NA	No
Robert Cundiff (E)	NA	Oahu	Parking Pass	Yes
Nancy Atmospera-Walch (E)	NA	Oahu	NA	Yes
Garth Yamanaka (attached) (E)(P)	HA	B.I.	Parking Pass	Yes

Pre Meeting Checklist	
Conference Room #436 (Confirm each month)	X
Make 12 - 15 copies of rule packages for board packets	✓
Poll Board Attendance - Working on Done	✓
Prepare TAF's for Director's approval - ASAP (Linda) - Group TAF = Incorrect	X
Airline booking ASAP - Linda Kyoko / Barbara / Garth	✓✓
Draft Agenda to Chair for approval Approved ✓	✓
Post approved agenda on 1) SBRRB website, 2) State Calendar, 3) Lte. Governor's Office	✓✓✓ Done
Send Agendas to those people who requested it - IMPORTANT	✓
Mail Board Packets to Board members, Deputy AG Blamaglio	✓
Include "discussion leader" names on the agendas to Board members only.	✓
Include parking permits in Board members' agenda packets.	✓

STAFF			
Dawn Apuna (E)			Yes
Dori Palcovich ✓			Yes

Post Meeting Checklist	



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594

David Y. Ige
Governor

Luis P. Salaveria
DBEDT Director

Members

Anthony Borge
Chairperson
Oahu

Harris Nakamoto
Vice Chairperson
Oahu

Barbara Bennett
2nd Vice Chairperson
Kauai

Kyoko Y. Kimura
Maui

Robert Cundiff
Oahu

Nancy Atmospera-Walch
Oahu

Garth Yamanaka
Hawaii

Director, DBEDT
Voting Ex Officio

AGENDA

Wednesday, August 17, 2016 ★ 1:00 p.m.
No. 1 Capitol District Building
250 South Hotel Street - Conference Room 436

I. Call to Order

II. Approval of July 20, 2016 Meeting Minutes

III. New Business

- A. Discussion and Action on Amendments to Hawaii Administrative Rules (HAR) Title 12, Chapter 15, **Hawaii Workers' Compensation Medical Fee Schedule, and Exhibit A, Workers' Compensation Supplemental Medical Fee Schedule**, promulgated by Department of Labor and Industrial Relations – *attached and incorporated as Exhibit 1*
- B. Discussion and Action on Amendments to HAR Title 19, Chapter 44, **Rules Relating to Services and Procedures, Charges, Tools and Fees**, promulgated by Department of Transportation – *attached and incorporated as Exhibit 2*
- C. Discussion and Action on Proposed New Title 23, Chapter 6, **Public Transit Supportive Services - Car Sharing Program**, promulgated by Department of Transportation Services, City and County of Honolulu (see also III. D) – *attached and incorporated as Exhibit 3*
- D. Discussion and Action on the Small Business Statement After Public Hearing of Proposed New Title 23, Chapter 6, **Public Transit Supportive Services – Car Sharing Program**, promulgated by Department of Transportation Services – *attached and incorporated as Exhibit 4*

IV. Administrative Matters

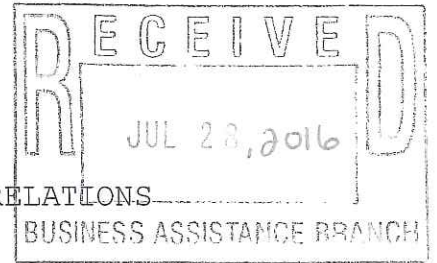
- A. Update, Discussion and Action on Proposed Amendments to Chapter 201M, Hawaii Revised Statutes (HRS)
- B. Update on this Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers, under Section 201M-5, HRS
- C. Discussion of the upcoming U.S. Small Business Administration's "Regulatory Enforcement Fairness Roundtable" on August 23, 2016

V. **Next Meeting:** Scheduled for Wednesday, September 21, 2016 at 1:00 p.m., Capitol District Building, Conference Room 436, Honolulu, Hawaii

VI. Adjournment

If you require special assistance or auxiliary aid and/or services to participate in the public hearing process (i.e., sign language, interpreter, wheelchair accessibility, or parking designated for the disabled), please call (808) 586-2594 at least three (3) business days prior to the meeting so arrangements can be made.

Exhibit 1



DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Amendments to Chapter 12-15
Hawaii Administrative Rules
Workers' Compensation
Relating to Medical Fee Schedule

June 1, 2016

1. Section 12-15-32, Hawaii Administrative Rules, is amended to read as follows:

"§12-15-32 Physicians. (a) Frequency and extent of treatment shall not be more than the nature of the injury and the process of a recovery requires. Authorization is not required for the initial fifteen treatments of the injury during the first sixty calendar days.

(b) If the physician believes treatments in addition to that allowed by subsection (a) are required, the physician shall ~~mail~~ transmit a treatment plan to the employer by mail or facsimile under separate cover at least seven calendar days prior to the start of the additional treatments to an address or facsimile number provided by the employer. A treatment plan shall be for one hundred twenty calendar days and shall not exceed fifteen treatments within that period. Treatments provided with less than seven calendar days notice are not authorized. A complete treatment plan shall contain the following elements:

- (1) Projected commencement and termination dates of treatment;
- (2) A clear statement as to the impression or diagnosis;
- (3) A specific time schedule of measurable objectives to include baseline measurements at the start of the treatment plan and projected goals by the end of the treatment plan;
- (4) Number and frequency of treatments;
- (5) Modalities and procedures to be used; and
- (6) An estimated total cost of services.

Treatment plans which do not include the above specified elements but which are reasonable and necessary may not be denied by the employer, but upon written notification from the employer, the physician shall correct the deficiency(s) and the employer's liability is deferred as long as the treatment plan remains deficient. Neither the injured employee nor the employer shall be liable for services provided under a treatment plan that remains deficient. Both the front page of the treatment plan and the envelope in which the plan is mailed or the cover sheet if the plan is sent by facsimile shall be clearly identified as a "WORKERS' COMPENSATION TREATMENT PLAN" in capital letters and in no less than ten point type.

(c) A treatment plan shall be deemed received by an employer when the plan is sent by mail or facsimile with reasonable evidence showing that the treatment plan was received.

~~[-(c)]~~ (d) The employer may file an objection to the treatment plan with documentary evidence supporting the denial and a copy of the denied treatment plan with the director, copying the physician and the injured employee. Both the front page of the denial and the envelope in which the denial is filed shall be clearly identified as a "TREATMENT PLAN DENIAL" in capital letters and in no less than ten point type. The employer shall be responsible for payment for treatments provided under a complete treatment plan until the date the objection is filed with the director. Furthermore, the employer's objection letter must explicitly state that if the attending physician or the injured employee does not agree with the denial, they may request a review by the director of the employer's denial within fourteen calendar days after postmark of the employer's denial, and failure to do so shall be construed as acceptance of the employer's denial.

~~[-(d)]~~ (e) The attending physician or the injured employee may request in writing that the director review the employer's denial of the treatment plan. The request for review shall be filed with the director, copying the employer, within fourteen calendar days after postmark of the employer's denial. A copy of the denied treatment plan shall be submitted with the request for review. Both the front page of the request for review and the envelope in which the request is filed shall be clearly identified

as a "REQUEST FOR REVIEW OF TREATMENT PLAN DENIAL" in capital letters and in no less than ten point type. For cases not under the jurisdiction of the director at the time of the request, the injured employee shall be responsible to have the case remanded to the director's jurisdiction. Failure to file a request for review of the employer's denial with the director within fourteen calendar days after postmark of the employer's denial shall be deemed acceptance of the employer's denial.

~~[(e)]~~ (f) The director shall issue a decision, after a hearing, either requiring the employer to pay the physician within thirty-one calendar days in accordance with the medical fee schedule if the treatments are determined to be reasonable and necessary or disallowing the fees for treatments determined to be unreasonable or unnecessary. Disallowed fees shall not be charged to the injured employee.

~~[(f)]~~ (g) The decision issued pursuant to subsection ~~[(e)]~~ (f) shall be final unless appealed pursuant to section 386-87, HRS. The appeal shall not stay the director's decision.

~~[(g)]~~ (h) The psychiatric evaluation or psychological testing with the resultant reports shall be limited to four hours unless the physician submits prior documentation indicating the necessity for more time and receives pre-authorization from the employer. Fees shall be calculated on an hourly basis as allowed under Medicare.

~~[(h)]~~ (i) For physical medicine, treatments may include up to four procedures, up to four modalities, or a combination of up to four procedures and modalities, and the visit shall not exceed sixty minutes per injury. When treating more than one injury, treatments may include up to six procedures, up to six modalities, or a combination of up to six procedures and modalities, and the entire visit shall not exceed ninety minutes.

~~[(i)]~~ (j) Any physician who exceeds the treatment guidelines without proper authorization shall not be compensated for the unauthorized services.

~~[(j)]~~ (k) No compensation shall be allowed for preparing treatment plans and written justification for treatments which exceed the guidelines.

~~[(*)]~~ (l) Failure to comply with the requirements in this section may result in denial of fees.

~~[(1)]~~ (m) Treatment, prescribed on an in-patient basis in a licensed acute care hospital where the injured employee's level of care is medically appropriate for an acute setting as determined by community standards, are excluded from the frequency of treatment guidelines specified herein." [Eff 1/1/96; am 1/1/97; am] (Auth: HRS §§386-21, 386-26, 386-72; 386-) (Imp: HRS §§386-21, 386-26, 386-27)

2. Section 12-15-34, Hawaii Administrative Rules, is amended to read as follows:

"§12-15-34 Providers of service other than physicians. (a) Frequency and extent of treatment shall not be more than the nature of the injury and the process of a recovery require. Any health care treatment or service performed by a Hawaii licensed or certified provider of service other than a physician shall be directed by the attending physician based on a written prescription signed, dated, and approved by the attending physician. The prescription may authorize up to an initial fifteen treatments of the injury during the first sixty calendar days. For therapists, the prescription may authorize up to an initial twenty treatments of the injury during the first sixty calendar days.

(b) If the attending physician believes treatments in addition to that allowed by subsection (a) are required, the provider of service other than a physician, in lieu of the attending physician, may ~~mail~~ transmit a treatment plan for review and approval to the attending physician who shall, after approval, ~~mail~~ transmit the treatment plan to the employer by mail or facsimile under separate cover at least seven calendar days prior to the start of the additional treatments to an address or facsimile number provided by the employer. A treatment plan shall be for one hundred twenty calendar days and shall not exceed fifteen treatments within that period. Treatments provided with less than seven calendar days notice are not authorized. A complete treatment plan shall contain the following elements:

- (1) Projected commencement and termination dates of treatment;
- (2) A clear statement as to the impression or diagnosis;
- (3) A specific time schedule of measurable objectives to include baseline measurements at the start of the treatment plan and projected goals by the end of the treatment plan;
- (4) Number and frequency of treatments;
- (5) Modalities and procedures to be used; and

Treatment plans which do not include the above specified elements but which are reasonable and necessary may not be denied by the employer, but upon written notification from the employer, the physician or the provider of service, with approval by the attending physician, shall correct the deficiency(s) and the employer's liability is deferred as long as the treatment plan remains deficient. Neither the injured employee nor the employer shall be liable for services provided under a treatment plan that remains deficient. Both the front page of the treatment plan and the envelope in which the plan is mailed or the cover sheet if the plan is sent by facsimile shall be clearly identified as a "WORKERS' COMPENSATION TREATMENT PLAN" in capital letters and in no less than ten point type.

(c) A treatment plan shall be deemed received by an employer when the plan is sent by mail or facsimile with reasonable evidence showing that the treatment plan was received.

~~(e)~~ (d) The employer may file an objection to the treatment plan with documentary evidence supporting the denial and a copy of the denied treatment plan with the director, copying the attending physician, the provider of service and the injured employee. Both the front page of the denial and the envelope in which the denial is filed shall be clearly identified as a "TREATMENT PLAN DENIAL" in capital letters and in no less than ten point type. The employer shall be responsible for payment for treatments provided under a complete treatment plan until the date the objection is filed with the director. Furthermore, the employer's objection letter must explicitly state that if the attending physician or the

injured employee does not agree with the denial, they may request a review by the director of the employer's denial within fourteen calendar days after postmark of the employer's denial, and failure to do so shall be construed as acceptance of the employer's denial.

~~[(d)]~~ (e) The attending physician or the injured employee may request in writing that the director review the employer's denial of the treatment plan. The request for review shall be filed with the director, copying the employer, within fourteen calendar days after postmark of the employer's denial. A copy of the denied treatment plan shall be submitted with the request for review. Both the front page of the request for review and the envelope in which the request is filed shall be clearly identified as a "REQUEST FOR REVIEW OF TREATMENT PLAN DENIAL" in capital letters and in no less than ten point type. For cases not under the jurisdiction of the director at the time of the request, the injured employee shall be responsible to have the case remanded to the director's jurisdiction. Failure to file a request for review of the employer's denial with the director within fourteen calendar days after postmark of the employer's denial shall be deemed acceptance of the employer's denial.

~~[(e)]~~ (f) The director shall issue a decision, after a hearing, either requiring the employer to pay the provider of service other than a physician within thirty-one calendar days in accordance with the medical fee schedule if the treatments are determined to be reasonable and necessary or disallowing the fees for treatments determined to be unreasonable or unnecessary. Disallowed fees shall not be charged to the injured employee.

~~[(f)]~~ (g) The decision issued pursuant to subsection ~~[(e)]~~ (f) shall be final unless appealed pursuant to section 386-87, HRS. The appeal shall not stay the director's decision.

~~[(g)]~~ (h) The provider of service other than a physician shall submit reports at least monthly to the attending physician and employer regarding an injured employee's progress. The preparation and submission of written reports or progress notes to the employer by the provider of service other than a physician are an integral part of the service fee.

~~[(h)]~~ (i) Treatments may include up to four procedures, up to four modalities, or a combination of up to four procedures and modalities, and the visit shall not exceed sixty minutes per injury. When treating more than one injury, treatments may include up to six procedures, up to six modalities, or a combination of up to six procedures and modalities, and the entire visit shall not exceed ninety minutes. This section applies to providers of service other than physicians including physical therapists, occupational therapists, massage therapists, and acupuncturists.

~~[(i)]~~ (j) Any provider of service other than a physician who exceeds the treatment guidelines without proper authorization shall not be compensated for the unauthorized services.

~~[(j)]~~ (k) No compensation shall be allowed for preparing treatment plans and written justification for treatments which exceed the guidelines.

~~[(k)]~~ (l) Failure to comply with the requirements in this section may result in denial of fees.

~~[(l)]~~ (m) Therapy by physical therapists and occupational therapists, prescribed on an in-patient basis in a licensed acute care hospital where the injured employee's level of care is medically appropriate for an acute setting as determined by community standards or, prescribed on an out-patient post-surgery basis not to exceed thirty calendar days, are excluded from the frequency of treatment guidelines specified herein."

[Eff 1/1/96; am 1/1/97; am _____] (Auth: HRS §§386-21, 386-26, 386-72, 386-_____) (Imp: HRS §§386-21, 386-26, 386-27)

3. Section 12-15-90, Hawaii Administrative Rules, is amended to read as follows:

"§12-15-90 Workers' compensation medical fee schedule. (a) Charges for medical services shall not exceed one hundred ten per cent of participating fees prescribed in the Medicare Resource Based Relative Value Scale System fee schedule (Medicare Fee Schedule) applicable to Hawaii or listed in exhibit A, located at the end of this chapter and made a part of this chapter, entitled "Workers' Compensation

Supplemental Medical Fee Schedule", dated [~~January 1, 2011~~] January 1, 2017. The Medicare Fee Schedule in effect on January 1, 1995 shall be applicable through June 30, 1996. Beginning July 1, 1996 and each calendar year thereafter, the Medicare Fee Schedule in effect as of January 1 of that year shall be the effective fee schedule for that calendar year.

(b) If maximum allowable fees for medical services are listed in both the Medicare Fee Schedule and the Workers' Compensation Supplemental Medical Fee Schedule, dated [~~January 1, 2011~~] January 1, 2017, located at the end of this chapter as exhibit A, charges shall not exceed the maximum allowable fees allowed under the Workers' Compensation Supplemental Medical Fee Schedule, dated [~~January 1, 2011~~] January 1, 2017, located at the end of this chapter as exhibit A.

(c) If the charges are not listed in the Medicare Fee Schedule or in the Workers' Compensation Supplemental Medical Fee Schedule, dated [~~January 1, 2011~~] January 1, 2017, located at the end of this chapter as exhibit A, the provider of service shall charge a fee not to exceed the lowest fee received by the provider of service for the same service rendered to private patients. Upon request by the director or the employer, a provider of service shall submit a statement to the requesting party, itemizing the lowest fee received for the same health care, services, and supplies furnished to any private patient during the one-year period preceding the date of a particular charge. Requests shall be submitted in writing within twenty calendar days of receipt of a questionable charge. The provider of service shall reply in writing within thirty-one calendar days of receipt of the request. Failure to comply with the request of the employer or the director shall be reason for the employer or the director to deny payment.

(d) Fees listed in the Medicare Fee Schedule shall be subject to the current Medicare Fee Schedule bundling and global rules if not specifically addressed in these rules. The Health Care Financing

Administration Common Procedure Coding System (HCPCS) alphabet codes adopted by Medicare will not be allowed, except for injections and durable medical equipment, unless specifically adopted by the director. The director may defer to a fee listed in the Medicare HCPCS Fee Schedule when a fee is not listed in the Workers' Compensation Supplemental Medical Fee Schedule, Exhibit A.

(e) Providers of service will be allowed to add the applicable Hawaii general excise tax to their billing." [Eff 1/1/96; am 1/1/97; am 11/22/97; am 12/17/01; am 12/13/04; am 11/6/06; am 12/14/07; am 2/28/11; am 12/30/13; am] (Auth: HRS §§386-21, 386-26, 386-72) (Imp: HRS §§386-21, 386-26)

4. Material, except source notes, to be repealed is bracketed. New material is underscored.

5. Additions to update source notes to reflect these amendments are not underscored.

6. These amendments to Title 12, Chapter 15, Hawaii Administrative Rules, relating to the Hawaii Workers' Compensation Medical Fee Schedule shall take effect ten days after filing with the Office of the Lieutenant Governor.

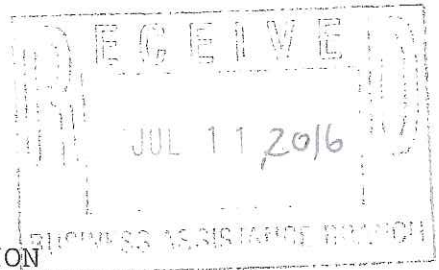
I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on (date to be inserted upon adoption) and filed with the Office of the Lieutenant Governor.

Director

APPROVED AS TO FORM:

Deputy Attorney General

Exhibit 2



DEPARTMENT OF TRANSPORTATION

Amendments to Chapter 19-44, Hawaii Administrative Rules.

1. Section 19-44-63, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) Wharfage charges include all applicable fees and surcharges, including any facilities security charges, as set forth in section 19-44-66 and subject to incremental increases as set forth in section 19-44-73. In the computation of wharfage, the term "ton" shall be applied, either by weight or volume as used by the respective carrier for its computation of freight charges (i.e., as freighted) computed to the nearest ton when minimum package rates do not apply. When freight charges are based upon other than weight or volume, such as in the case of contract haul, or if there are no indicated freight charges, tonnage shall be computed by either weight or volume, whichever yields the greater wharfage revenue to the State." [Eff 5/20/82; comp 2/26/96; comp 2/01/10; am] (Auth: HRS §266-2, 266-17) (Imp: HRS §266-2, 266-17)

2. Section 19-44-64, Hawaii Administrative Rules, is amended to read as follows:

"§19-44-64 Waiver of wharfage. No wharfage shall be chargeable against the following:

- (1) Vessel's stores and supplies, not including fuel, intended for a vessel's and its crew's own consumption and use;
- (2) Dunnage and stevedoring equipment of all kinds when used for the purpose of stowing, loading of discharging vessel cargo[:], except for situations in which such equipment is placed in shipping devices, that otherwise contain no cargo;

- (3) Cargo which has gone astray or cargo which for operational reasons a vessel must discharge and reload in order to load or discharge cargo originating at, or destined for, the wharf at which a vessel is docked; provided that the cargo is restowed on the same voyage of the vessel and the vessel has not left the pier;
- (4) Trailer chassis meeting the criteria of a shipping device, when carrying cargo;
- (5) Fish, fresh or frozen, including shellfish from all U.S. vessels, except that which is being transported between ports as cargo; or
- (6) Any other item at the discretion of the department." [Eff 5/20/82; am 12/5/83; am and comp 2/26/96; comp 2/01/10; am] (Auth: HRS §266-2, 266-17) (Imp: HRS §266-2, 266-17)

3. Section 19-44-65, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) Incoming domestic overseas or foreign overseas cargo destined for other overseas ports on a through bill of lading that are discharged on state wharves for transshipment shall be subject to:

- (1) [Incoming overseas wharfage charges] 50% of the prevailing incoming overseas wharfage charges; and
- (2) [Outgoing overseas wharfage charges at the following rates:
July 1, 2009: 25% of then prevailing outgoing overseas wharfage charges;
July 1, 2010: 50% of then prevailing outgoing overseas wharfage charges;
July 1, 2011: 75% of then prevailing outgoing overseas wharfage charges;
July 1, 2012 and thereafter: 100% of then prevailing

outgoing overseas wharfage charges] 50%
of the prevailing outgoing overseas
wharfage charges." [Eff 5/20/82; am
11/7/91; am and comp 2/26/96; am
3/10/97; am and comp 2/01/10;
am] (Auth: HRS §266-2,
266-17) (Imp: HRS §266-2, 266-17)

4. Section 19-44-66, Hawaii Administrative Rules,
is amended to read as follows:

"§19-44-66 Wharfage rates. Wharfage rates
in dollars per unit shall be assessed as set forth in
the exhibit, dated [January 1, 2010,] September 1,
2016, entitled ["Wharfage Rates",] "WHARFAGE RATES
(SEPTEMBER 1, 2016)", located at the end of this
chapter; the exhibit as it may be amended, is
incorporated herein, and is hereby made a part of this
section. When new wharfage rates are set at a future
date by rule amendment, an updated exhibit will be
incorporated to supersede the exhibit dated September
1, 2016. Incremental increases shall be assessed as
set forth in section 19-44-73." [Eff 5/20/82; am
12/5/83; am 12/20/85; am 11/7/91; am and comp 2/26/96;
am 3/10/97; am 12/09/02; am 2/11/05; am and comp
2 /01/10;
am] (Auth: HRS §266-2, 266-17) (Imp:
HRS §§266-2, 266-17)

5. Section 19-44-68, Hawaii Administrative Rules,
is amended to read as follows:

"§19-44-68 Cement in bulk and liquids passing
through pipelines; rates. The wharfage rates on
cement in bulk and liquids passing through pipelines
[which are on state property for both state lines and
for private lines shall be as follows:] which are
located on state property for both state pipelines
and for private pipelines, as applicable, shall be
as follows as set forth in the exhibit, dated
September 1, 2016, entitled "WHARFAGE RATES FOR
PIPELINES AND FUEL DELIVERY (SEPTEMBER 1, 2016)",

located at the end of this chapter; the exhibit is incorporated herein and is hereby made a part of this section. When new wharfage rates for pipelines are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated September 1, 2016.

	[Rate]	
	[State]	[Private]
[Cement, per 2000-pound ton		
Incoming.....	[\$ 0.69]	[\$ 0.34]
Outgoing.....]	[0.41]	[0.21]
[Petroleum, asphalt and other chemical products, per 42-gallon barrel]		
Incoming.....	[\$ 0.17]	[\$ 0.08]
Outgoing.....]	[0.08]	[0.04]
[Molasses, per 2000-pound ton		
Incoming (inter-island).....	[\$ 0.33]	[\$ 0.12]
Outgoing (inter-island).....	[0.33]	[0.12]
Outgoing (overseas).....]	[0.48]	[0.23]
[Water, per 1000 gallon		
When service to ships provided by the harbors division.....	[\$ 2.19]	[\$ 0.94]
Minimum charge.....\$21.25		
When service to ships provided by others.....]	[\$ 0.65]	
Incremental increases shall be assessed as set forth in section 19-44-73.		

Charges for water as set forth in this section are pipeline tolls only and do not include the cost of water which varies from county to county." [Eff 5/20/82; am 12/20/85; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/01/10; am]
(Auth: HRS §266-2, 266-17) (Imp: HRS §§266-2, 266-17)

6. Section 19-44-69, Hawaii Administrative Rules, is amended to read as follows:

"§19-44-69 Wharfage rates for fuel. Wharfage rates for fuel for the use of the vessel to which the fuel is delivered, per forty-two gallon barrel shall be as follows[:] as set forth in the exhibit, dated

September 1, 2016, entitled " WHARFAGE RATES FOR PIPELINES AND FUEL DELIVERY (SEPTEMBER 1, 2016)", located at the end of this chapter; the exhibit is incorporated herein and is hereby made a part of this section. When new wharfage rates for fuel delivery are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated September 1, 2016.

	[Rate]
[From barge to vessel.....	\$0.06
From truck to vessel.....	0.06
From vessel to vessel.....	0.06
Direct to vessel through privately-owned pipelines.....	0.06
Direct to vessel through state-owned pipelines.....	0.11]

Incremental increases shall be assessed as set forth in section 19-44-73." [Eff 5/20/82; am 12/5/83; am 12/20/85; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/01/2010; am]
(Auth: HRS §266-2, 266-17) (Imp: HRS §§266-2, 266-17)

7. Section 19-44-73, Hawaii Administrative Rules, is amended to read as follows:

"§19-44-73 Incremental increases to wharfage rates and passenger fees. (a) Wharfage rates set forth in sections 19-44-65(b), (c) and (d), 19-44-66, 19-44-68 and 19-44-69, [with the exception of inter-island/intra-island transshipment unit load cargo rates set forth in sections 19-44-65(b), (c) and (d),] shall increase on the following dates by the following percentages:

- [(1) July 1, 2010...20% increase over the then prevailing rate;
- (2) July 1, 2011...15% increase over the then prevailing rate;
- (3) July 1, 2012...10% increase over the then prevailing rate;
- (4) July 1, 2013... 7% increase over the then prevailing rate;

- (5) July 1, 2014... 5% increase over the then prevailing rate; and
- (6) July 1, 2015 and thereafter: Annual increases shall be 3% over the then prevailing rate, or the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.]

- (1) September 1, 2016...17% increase over the then prevailing rate;
- (2) July 1, 2017...15% increase over the then prevailing rate;
- (3) July 1, 2018...15% increase over the then prevailing rate;
- (4) July 1, 2019 and thereafter: Annual increases shall be 3% over the then prevailing wharfage rate, or at the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.

(b) [Incoming] All incoming and outgoing overseas and inter-island/intra-island transshipment unit load cargo rates [set forth in sections 19-44-65(b), (c) and (d) shall increase on the following dates to the following rates:] shall increase as set forth in the exhibit, dated September 1, 2016, entitled "WHARFAGE RATES (SEPTEMBER 1, 2016)," located at the end of this chapter; the exhibit as it may be amended, is incorporated herein, and is hereby made a part of this section. When new wharfage rates are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated September 1, 2016.

<u>["UNIT LOAD" inter-island/ intra-island transshipment cargo, as described in sections 19-44-65(b) and (c) and defined in section 19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and</u>	<u>24 feet and under</u>	<u>Over 24 feet</u>
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mobile home/office units

July 1, 2010.....	\$20.33	\$40.67
July 1, 2011.....	25.06	50.12
July 1, 2012.....	30.88	61.76
July 1, 2013.....	38.06	76.11
July 1, 2014.....	46.90	93.80
July 1, 2015 and thereafter: Annual increases shall be 3% over the then prevailing rate, or the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.		

"UNIT LOAD" inter-island/ 24 feet Over 24
intra-island transshipment and under feet
cargo, as described in
sections 19-44-65(d) and
defined in section 19-41-2
(excluding passenger
automobiles and explosives),
assembled home/office
modules and mobile
home/office units

July 1, 2010.....	\$19.80	\$39.60
July 1, 2011.....	22.77	45.54
July 1, 2012.....	25.05	50.09
July 1, 2013.....	26.80	53.60
July 1, 2014.....	28.14	56.28
July 1, 2015 and thereafter: Annual increases shall be 3% over the then prevailing rate, or the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.]		

(c) All passenger fees set forth in section 19-44-70 shall increase on the following dates to the following rates:

July 1, 2012.....	\$5.50 per passenger
July 1, 2013.....	6.00 per passenger
July 1, 2014.....	6.50 per passenger
July 1, 2015.....	7.00 per passenger
July 1, 2016.....	7.50 per passenger"
[Eff 2/01/10; am] (Auth: HRS §266-2, 266-17) (Imp: HRS §§266-2, 266-17)

8. Material, except source notes, to be repealed is bracketed. New material is underscored.


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

10. The amendments to chapter 19-44, 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.

Ford N. Fuchigami
Director

APPROVED AS TO FORM:



Deputy Attorney General

EXHIBIT – WHARFAGE RATES (SEPTEMBER 1, 2016)

State of Hawaii Department of Transportation - Harbors Division

Tariff Rates for Cargo Wharfage (§19-44-66), Surcharge-Reefer (§19-44-12), and Surcharge-Container Freight Station (§19-44-13)

Cargo	UNIT	Rates effective 9/1/2016				Rates effective 7/1/2017				Rates effective 7/1/2018?			
		Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	(\$)	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	(\$)	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	(\$)
		(\$)	(\$)	(\$)		(\$)	(\$)	(\$)		(\$)	(\$)	(\$)	
Overseas includes Foreign & Domestic Cargo													
Autos & trucks under 6500# in Shipping Device	Each	40.76	24.45	24.45	46.87	28.12	28.12	28.12	53.90	32.34	32.34	32.34	
Autos & trucks under 6500#, Other	Each	40.76	24.45	24.45	46.87	28.12	28.12	28.12	53.90	32.34	32.34	32.34	
Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' and under	104.79	58.22	58.22	120.51	66.95	66.95	66.95	138.59	76.99	76.99	76.99	
Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' to 45'	209.58	116.43	116.43	241.02	133.89	133.89	133.89	277.17	153.97	153.97	153.97	
Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, Over 45'	314.37	174.65	174.65	361.53	200.85	200.85	200.85	415.76	230.98	230.98	230.98	
Unit Load Inter-Island Transshipment as described in §19-44-65(b) & (c) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' and under	N/A	N/A	58.22	N/A	N/A	66.95	66.95	N/A	N/A	76.99	76.99	
Unit Load Inter-Island Transshipment as described in §19-44-65(b) & (c) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' to 45'	N/A	N/A	116.43	N/A	N/A	133.89	133.89	N/A	N/A	153.97	153.97	
Unit Load Inter-Island Transshipment as described in §19-44-65(b) & (c) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, Over 45'	N/A	N/A	174.65	N/A	N/A	200.85	200.85	N/A	N/A	230.98	230.98	
Unit Load Inter-Island/Intra-island Transshipment Cargo as described in §19-44-65(d) and as defined in §19-41-2 (excluding passenger automobiles and explosives),	Each, 24' and under	N/A	N/A	34.92	N/A	N/A	40.15	40.15	N/A	N/A	46.18	46.18	

EXHIBIT – WHARFAGE RATES (SEPTEMBER 1, 2016)

Overseas includes Foreign & Domestic Cargo	Rates effective 9/1/2016			Rates effective 7/1/2017			Rates effective 7/1/2018 ²		
	Overseas IN/OUT (\$)	Interisland IN/OUT (\$)	Interisland TRANS (\$)	Overseas IN/OUT (\$)	Interisland IN/OUT (\$)	Interisland TRANS (\$)	Overseas IN/OUT (\$)	Interisland IN/OUT (\$)	Interisland TRANS (\$)
Cargo									
assembled home/office modules and mobile home/office units									
Unit Load Inter-Island/Intra-Island Transshipment Cargo as described in §19-44-65(d) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	N/A	N/A	69.84	N/A	N/A	80.32	N/A	N/A	92.37
Unit Load Inter-Island/Intra-Island Transshipment Cargo as described in §19-44-65(d) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	N/A	N/A	104.76	N/A	N/A	120.48	N/A	N/A	138.55
Additional charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units (FOREIGN ONLY)	5.30	N/A	N/A	6.10	N/A	N/A	7.02	N/A	N/A
Additional charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units (FOREIGN ONLY)	9.54	N/A	N/A	10.97	N/A	N/A	12.62	N/A	N/A
Additional charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units (FOREIGN ONLY)	14.31	N/A	N/A	16.46	N/A	N/A	18.93	N/A	N/A
Facilities Security Charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	15.00	3.75	3.75	17.25	4.31	4.31	19.84	4.96	4.96
Unit Load, as defined in §19-41-2, empty	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Unit Load, Island Agricultural Products	30.71 ¹	30.71	30.71	35.32 ¹	35.32	35.32	40.62 ¹	40.62	40.62

EXHIBIT – WHARFAGE RATES (SEPTEMBER 1, 2016)

Overseas includes Foreign & Domestic Cargo	UNIT	Rates effective 9/1/2016			Rates effective 7/1/2017			Rates effective 7/1/2018						
		Overseas IN/OUT (\$)	Interisland IN/OUT (\$)	Interisland TRANS (\$)	Overseas IN/OUT (\$)	Interisland IN/OUT (\$)	Interisland TRANS (\$)	Overseas IN/OUT (\$)	Interisland IN/OUT (\$)	Interisland TRANS (\$)				
Unit Load, Island Agricultural Products	24' and under													
Unit Load, Island Agricultural Products	Each, 24' to 45'	61.50 ¹	61.50	61.50	70.73 ¹	70.73	70.73	81.34 ¹	81.34	81.34				81.34
Unit Load, Island Agricultural Products	Each, Over 45'	92.25 ¹	92.25	92.25	106.09 ¹	106.09	106.09	122.00 ¹	122.00	122.00				122.00
Dry Bulk Cargo, NOS, Not Otherwise Specified	Ton	2.60	1.77	1.77	2.99	2.04	2.04	3.44	2.35	2.35				2.35
Dry Bulk Cargo, utilizing approved conveyors including bins and hoppers where cargo does not touch the surface of the wharf	Ton													
Dry Bulk Cargo, utilizing approved high speed conveyors greater than 600 tons per hour where cargo does not touch the surface of the wharf	Ton	2.02	1.18	1.18	2.32	1.36	1.36	2.67	1.56	1.56				1.56
Aggregate/sand materials	Ton	1.77	0.97	0.97	2.04	1.12	1.12	2.35	1.29	1.29				1.29
Scrap metal	Ton	2.60	1.77	1.77	2.99	2.04	2.04	3.44	2.35	2.35				2.35
Explosives (in shipping devices or otherwise)	Ton	3.32 ¹	2.34	2.34	3.82 ¹	2.69	2.69	4.39 ¹	3.09	3.09				3.09
General Merchandise NOS	Ton	36.96	24.57	24.57	42.50	28.26	28.26	48.88	32.50	32.50				32.50
Livestock NOS	Ton	4.94	4.94	3.19	5.68	3.67	3.67	6.53	4.22	4.22				4.22
Recreational Animals	Head	3.32	2.34	2.34	3.82	2.69	2.69	4.39	3.09	3.09				3.09
Hogs, sheep, goats	Head	6.70	4.66	4.66	7.71	5.36	5.36	8.87	6.16	6.16				6.16
Lumber, (for surfaced lumber, use net board feet)	Head	1.56	0.88	0.88	1.79	1.01	1.01	2.06	1.16	1.16				1.16
Lumber	MBF	7.72	5.07	5.07	8.88	5.83	5.83	10.21	6.70	6.70				6.70
Island Ag products-Produce	Ton	4.94	3.19	3.19	5.68	3.67	3.67	6.53	4.22	4.22				4.22
Island Ag products-N.O.S.	Ton	1.56 ¹	1.03	1.03	1.79 ¹	1.18	1.18	2.06 ¹	1.36	1.36				1.36
Pineapple, fresh in bins, destined for storage, manipulation, or manufacturing for ultimate export	Ton	1.56 ¹	1.03	1.03	1.79 ¹	1.18	1.18	2.06 ¹	1.36	1.36				1.36
Sugar, in bulk	Ton	N/A	0.50	0.50	N/A	0.58	0.58	N/A	0.67	0.67				0.67
Produce, palleted (island grown vegetables and fruit only) when freight charge is per pallet load of approximately 1/2 ton	Pallet Load	1.06 ¹	N/A	N/A	1.22 ¹	N/A	N/A	1.40 ¹	N/A	N/A				N/A
Returnable empty bins, pallets and drums; NOS, per unit of 300 cu. ft. or fraction thereof	Each	N/A	0.63	0.63	N/A	0.72	0.72	N/A	0.83	0.83				0.83
	Each	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00				0.00

EXHIBIT – WHARFAGE RATES (SEPTEMBER 1, 2016)

Cargo	UNIT	Rates effective 9/1/2016			Rates effective 7/1/2017			Rates effective 7/1/2018 ²		
		Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS
		(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Overseas includes Foreign & Domestic Cargo										
Returnable empty pineapple crates up to 1/2 ton	Each	N/A	0.00	0.00	N/A	0.00	0.00	N/A	0.00	0.00
Vehicles, empty, NOS including trucks and trailer trucks over 6,500 pounds; all tracked vehicles, all agricultural, construction, road-making and materials-handling equipment. Also include trailers and semi-trailers when manifested as cargo	Ton									
Surcharge-Reefer	Each	4.66	3.92	3.92	5.36	4.51	4.51	6.16	5.19	5.19
Surcharge-CFS	Ton	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85
		1.76	N/A	N/A	1.76	N/A	N/A	1.76	N/A	N/A

¹ Rate applies only to outgoing overseas cargo

² The rates effective 7/1/2019 and thereafter, annual increases shall be 3% of the then prevailing rate or at the annual percentage increase of the Consumer Price Index (CPI), whichever is greater.

EXHIBIT – WHARFAGE RATES FOR PIPELINES AND FUEL DELIVERY (SEPTEMBER 1, 2016)

State of Hawaii Department of Transportation - Harbors Division
 Rates for Cement in Bulk and Liquids Passing through Pipelines (§19-44-68) and Wharfage Rates for Fuel (§19-44-69)

	Rates Effective 9/1/2016		Rates Effective 7/1/2017		Rates Effective 7/1/2018 ¹	
	State	Private	State	Private	State	Private
Cement in bulk and liquids passing through pipelines						
Cement, per 2000-pound ton						
Incoming	\$ 1.46	\$ 0.74	\$ 1.68	\$ 0.85	\$ 1.93	\$ 0.97
Outgoing	0.86	0.45	0.98	0.51	1.13	0.59
Petroleum, asphalt and other chemical products, per 42-gallon barrel						
Incoming	\$ 0.35	\$ 0.18	\$ 0.40	\$ 0.21	\$ 0.46	0.24
Outgoing	0.18	0.11	0.21	0.13	0.24	0.14
Molasses, per 2000-pound ton						
Incoming (inter-island)	\$ 0.71	\$ 0.25	\$ 0.82	\$ 0.29	\$ 0.94	\$ 0.33
Outgoing (inter-island)	0.71	0.25	0.82	0.29	0.94	0.33
Outgoing (overseas)	1.02	0.48	1.18	0.55	1.35	0.64
Water, per 1000 gallon						
When service to ships provided by the harbors division - State	\$ 4.63	\$ 1.99	\$ 5.32	\$ 2.29	\$ 6.42	\$ 2.63
Minimum charge	44.99	44.99	51.73	51.73	59.49	59.49
When service to ships provided by others	1.39	1.39	1.59	1.59	1.83	1.83

	Rates Effective 9/1/2016		Rates Effective 7/1/2017		Rates Effective 7/1/2018 ¹	
	State	Private	State	Private	State	Private
Wharfage rates for fuel						
From barge to vessel		\$ 0.13		\$ 0.15		\$ 0.18
From truck to vessel		0.13		0.15		0.18
From vessel to vessel		0.13		0.15		0.18
Direct to vessel through privately-owned pipelines		0.13		0.15		0.18
Direct to vessel through state-owned pipelines		0.23		0.26		0.30

¹ The rates effective 7/1/2019 and thereafter, annual increases shall be 3% of the then prevailing rate or at the annual percentage increase of the Consumer Price Index (CPI), whichever is greater.

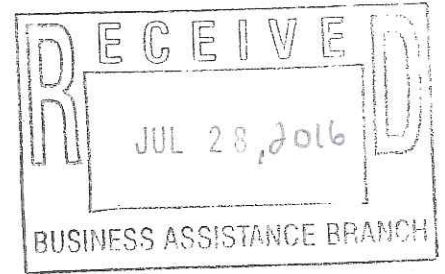


EXHIBIT A

**Chapters 12-15
Hawaii Administrative Rules**

**WORKERS' COMPENSATION SUPPLEMENTAL
MEDICAL FEE SCHEDULE**

January 1, 2017

The codes in the Workers' Compensation Supplemental Medical Fee Schedule are obtained from the American Medical Association, the American Dental Association or the State Department of Labor and Industrial Relations.

The five character codes included in the Workers' Compensation Supplemental Medical Fee Schedule are obtained from 2016 Current Procedural Terminology (CPT®), copyright 2015 by the American Medical Association (AMA). CPT is developed by the AMA as a listing of descriptive terms and five character identifying codes and modifiers for reporting medical services and procedures performed by physicians.

The responsibility for the content of the Workers' Compensation Supplemental Medical Fee Schedule is with DLIR and no endorsement by the AMA is intended or should be implied. The AMA disclaims responsibility for any consequences or liability attributable or related to any use, nonuse or interpretation of information contained in the Workers' Compensation Supplemental Medical Fee Schedule. Fee schedules, relative value units, conversion factors and/or related components are not assigned by the AMA, are not part of CPT, and the AMA is not recommending their use. The AMA does not directly or indirectly practice medicine or dispense medical services. The AMA assumes no liability for data contained or not contained herein. Any use of CPT outside of the Workers' Compensation Supplemental Medical Fee Schedule should refer to the most current CPT codes and descriptive terms. Applicable FARS/DFARS apply.

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The five character codes starting with the letter "D" included in the Workers' Compensation Supplemental Medical Fee Schedule are obtained from Current Dental Terminology 2016, copyright 2015 by the American Dental Association (ADA). CDT is developed by the ADA to achieve uniformity, consistency and accurate reporting of dental treatment.

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SURGERY

General

Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
10021	\$174.73				

Integumentary System

10160	\$162.90	12014	\$231.20	15003	\$97.76
11000	\$69.93	12015	\$279.84	15004	\$496.30
11011	\$651.07	12016	\$340.01	15100	\$1,049.17
11012	\$896.46	12031	\$290.05	15101	\$241.89
11043	\$297.27	12032	\$380.38	15120	\$1,073.66
11044	\$444.89	12041	\$306.43	15121	\$322.74
11045	\$56.82	12042	\$357.61	15260	\$1,221.27
11055	\$60.57	12051	\$319.72	15273	\$446.65
11101	\$41.64	12052	\$376.61	15738	\$1,747.19
11720	\$39.49	12054	\$452.38	16000	\$84.97
11750	\$272.93	13101	\$483.72	16020	\$108.93
11760	\$266.59	13121	\$551.40	16025	\$186.23
12001	\$167.72	13132	\$701.67	16030	\$230.05
12002	\$184.33	13133	\$221.98	17000	\$86.51
12004	\$212.44	13152	\$681.37	17003	\$14.04
12005	\$260.54	13153	\$235.42	17004	\$235.60
12007	\$364.63	14040	\$931.99		
12011	\$184.17	14041	\$1,202.87		
12013	\$203.98	15002	\$422.38		

Musculoskeletal System

20526	\$96.20	21406	\$711.57	23120	\$766.65
20550	\$74.99	21407	\$927.48	23130	\$849.51
20551	\$81.13	21408	\$1,174.28	23184	\$1,035.51
20552	\$76.96	21470	\$1,690.28	23350	\$198.03
20553	\$82.63	22551	\$2,800.28	23405	\$859.90
20600	\$68.51	22552	\$622.94	23410	\$1,217.42
20605	\$73.32	22554	\$1,950.20	23412	\$1,254.99
20610	\$93.79	22558	\$2,164.00	23420	\$1,452.65
20612	\$78.60	22585	\$518.06	23430	\$1,031.63
20650	\$252.76	22600	\$1,723.61	23440	\$1,027.76
20670	\$594.87	22610	\$1,701.30	23455	\$1,482.45
20694	\$546.60	22612	\$2,226.37	23466	\$1,588.56
20900	\$607.04	22614	\$581.97	23500	\$287.18
20902	\$602.60	22630	\$2,160.93	23515	\$857.60
20924	\$643.29	22632	\$445.01	23540	\$286.94
20926	\$552.35	22633	\$3,021.83	23570	\$292.38
20930	\$150.49	22634	\$753.15	23600	\$411.60
20931	\$189.67	22830	\$1,129.61	23615	\$1,124.90
20936	\$177.77	22840	\$1,076.50	23616	\$1,936.63
20937	\$252.53	22842	\$1,022.36	23620	\$328.19
20974	\$101.81	22845	\$1,202.23	23630	\$923.28
21320	\$334.11	22851	\$609.68	23650	\$390.05
21365	\$1,522.18	22852	\$953.90	23700	\$268.98
21390	\$1,259.10	22855	\$1,427.20	24120	\$694.15
21395	\$1,318.80	22856	\$2,501.51	24220	\$233.60

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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
24305	\$728.66	26358	\$1,232.70	27536	\$1,535.08
24340	\$812.04	26370	\$1,084.47	27560	\$438.27
24341	\$916.39	26410	\$822.30	27570	\$210.91
24342	\$1,115.67	26418	\$766.79	27590	\$1,121.56
24344	\$1,330.36	26426	\$842.06	27603	\$691.46
24357	\$666.60	26432	\$663.29	27619	\$791.87
24358	\$791.23	26433	\$701.59	27640	\$1,254.40
24359	\$968.24	26440	\$828.84	27648	\$230.67
24366	\$952.04	26445	\$787.89	27650	\$991.89
24500	\$436.82	26540	\$905.37	27652	\$1,016.20
24505	\$622.64	26541	\$1,091.63	27658	\$540.65
24515	\$1,200.27	26548	\$1,034.74	27665	\$598.42
24600	\$465.05	26567	\$894.51	27675	\$671.97
24605	\$571.40	26605	\$415.24	27680	\$600.14
24650	\$337.81	26608	\$644.33	27687	\$651.39
24685	\$932.90	26615	\$698.54	27695	\$706.18
24900	\$971.58	26720	\$274.13	27698	\$938.75
25000	\$500.54	26725	\$430.91	27720	\$1,241.76
25024	\$939.98	26727	\$620.43	27750	\$455.44
25105	\$708.92	26735	\$727.06	27758	\$1,202.21
25111	\$456.76	26750	\$233.31	27759	\$1,428.79
25246	\$237.35	26756	\$525.99	27760	\$426.96
25259	\$526.38	26770	\$341.99	27766	\$875.71
25260	\$965.32	26860	\$747.50	27780	\$374.02
25270	\$788.64	26910	\$946.18	27786	\$393.87
25290	\$792.82	26951	\$803.11	27792	\$885.88
25295	\$806.21	26952	\$855.29	27808	\$420.36
25310	\$964.25	27093	\$276.23	27814	\$1,124.23
25320	\$1,231.62	27096	\$332.13	27823	\$1,345.71
25337	\$1,164.67	27130	\$2,129.23	27827	\$1,498.78
25390	\$1,142.87	27216	\$1,292.09	27828	\$1,727.12
25400	\$1,237.65	27217	\$1,410.04	27829	\$827.01
25405	\$1,495.56	27227	\$2,215.59	27840	\$452.99
25440	\$1,055.48	27228	\$2,555.80	27842	\$601.28
25447	\$1,097.42	27235	\$1,278.10	27882	\$883.50
25500	\$340.36	27236	\$1,637.28	28002	\$599.39
25505	\$626.60	27244	\$1,709.02	28122	\$816.33
25545	\$887.34	27245	\$1,853.41	28192	\$585.68
25574	\$871.85	27248	\$986.85	28238	\$866.65
25575	\$1,232.81	27265	\$524.21	28300	\$943.82
25605	\$750.35	27340	\$490.31	28400	\$322.34
25607	\$1,021.47	27345	\$648.79	28415	\$1,510.93
25608	\$1,182.72	27347	\$668.76	28430	\$303.15
25609	\$1,482.59	27350	\$898.44	28445	\$1,358.74
25622	\$380.68	27370	\$233.36	28450	\$282.48
25628	\$936.62	27380	\$801.32	28470	\$288.95
25630	\$387.12	27385	\$878.41	28485	\$679.81
25680	\$594.54	27405	\$944.81	28510	\$153.73
26035	\$1,093.82	27416	\$1,455.05	29065	\$121.40
26055	\$736.95	27430	\$1,030.48	29075	\$110.04
26075	\$448.74	27446	\$1,621.29	29085	\$118.56
26080	\$511.18	27447	\$2,246.96	29105	\$109.64
26105	\$467.55	27457	\$1,340.53	29125	\$83.86
26110	\$433.50	27486	\$1,969.85	29126	\$96.97
26113	\$749.19	27487	\$2,493.29	29131	\$67.26
26145	\$711.89	27506	\$1,824.36	29200	\$66.70
26320	\$473.59	27520	\$409.60	29240	\$73.28
26340	\$459.58	27524	\$1,038.29	29260	\$62.21
26350	\$985.60	27530	\$479.50	29280	\$62.26
26356	\$1,390.20	27535	\$1,246.89	29355	\$180.20

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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
29405	\$114.00	29824	\$891.18	29876	\$927.78
29425	\$121.31	29825	\$833.11	29877	\$887.78
29505	\$104.31	29826	\$690.02	29879	\$952.54
29515	\$92.37	29827	\$1,544.17	29880	\$982.28
29520	\$64.18	29828	\$1,281.01	29881	\$916.23
29530	\$65.37	29834	\$680.04	29882	\$1,002.70
29540	\$50.39	29835	\$692.55	29888	\$1,471.45
29550	\$46.43	29837	\$736.81	29889	\$1,545.31
29580	\$67.42	29838	\$817.52	29891	\$810.92
29700	\$79.90	29845	\$803.14	29895	\$734.71
29705	\$82.53	29846	\$744.36	29897	\$774.17
29805	\$608.92	29848	\$671.61	29898	\$833.47
29806	\$1,440.93	29867	\$1,593.16	29906	\$1,055.36
29807	\$1,418.59	29871	\$730.04	29907	\$1,278.81
29820	\$793.84	29873	\$700.61	29914	\$1,696.27
29822	\$842.50	29874	\$788.16	29915	\$1,557.56
29823	\$920.78	29875	\$737.00	29916	\$1,558.39

Respiratory System

30130	\$482.45	31525	\$324.89	32551	\$262.15
30520	\$827.06	31570	\$479.02		
31500	\$166.66	31575	\$158.95		

Cardiovascular System

34203	\$1,265.69	36247	\$2,718.82	36569	\$443.42
35206	\$1,115.57	36410	\$26.58	36592	\$44.62
36140	\$704.79	36415	\$6.32	36600	\$40.71
36245	\$1,846.35	36430	\$55.23	36620	\$78.69
36246	\$1,701.47	36556	\$390.26		

Hemic and Lymphatic Systems

38220	\$251.60				
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Digestive System

43753	\$33.08	49560	\$966.54	49651	\$723.68
45380	\$617.35	49561	\$1,150.12	49652	\$1,084.75
49505	\$685.35	49568	\$333.14	49653	\$1,453.51
49507	\$803.15	49585	\$585.91		
49520	\$820.89	49587	\$671.36		
49525	\$743.66	49650	\$582.01		

Urinary System

51600	\$300.42	51726	\$434.89	51785	\$314.41
51700	\$124.43	51741	\$136.92	51798	\$30.64
51702	\$121.30	51784	\$283.12	52000	\$284.91

Female Genital System

57288	\$1,148.17				
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Maternity Care and Delivery

59025	\$78.09				
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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
Nervous System					
62270	\$203.62	63685	\$617.70	64510	\$181.73
62290	\$440.57	63688	\$531.25	64520	\$252.39
62310	\$306.88	64405	\$149.17	64550	\$24.27
62318	\$340.84	64413	\$167.54	64633	\$669.27
62319	\$282.33	64415	\$175.41	64634	\$310.15
62362	\$621.85	64417	\$180.80	64635	\$658.16
62367	\$53.92	64418	\$179.61	64636	\$279.65
62368	\$82.92	64421	\$297.99	64640	\$276.56
62369	\$187.52	64425	\$176.45	64702	\$600.09
62370	\$194.78	64445	\$180.63	64704	\$482.30
63030	\$1,383.83	64450	\$129.87	64708	\$682.17
63035	\$292.01	64479	\$434.65	64718	\$804.71
63042	\$1,728.84	64480	\$216.89	64721	\$594.17
63045	\$1,740.09	64483	\$424.25	64772	\$709.75
63047	\$1,619.55	64484	\$213.97	64776	\$507.64
63048	\$322.77	64490	\$241.59	64782	\$591.60
63075	\$2,020.66	64491	\$118.58	64831	\$865.77
63081	\$2,473.81	64492	\$118.07	64832	\$436.56
63082	\$404.55	64493	\$228.14	64834	\$944.99
63655	\$1,127.53	64494	\$113.01	64856	\$1,248.70
63662	\$1,036.74	64495	\$114.07		

Eye and Ocular Adnexa

65205	\$72.24	65435	\$106.03	67820	\$82.16
65210	\$84.95	65730	\$1,715.20	67917	\$850.77
65220	\$74.65	66761	\$524.62	68700	\$840.69
65222	\$94.36	66850	\$1,079.30	68761	\$196.81
65285	\$1,398.75	66984	\$1,055.48	68810	\$373.05
65426	\$814.71	67036	\$1,330.81	68815	\$674.86
65430	\$152.20	67145	\$684.57		

Auditory System

69200	\$153.35	69210	\$62.83
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Operating Microscope

69990	\$305.89
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RADIOLOGY

Fees include both the technical and professional components. In the absence of any prior agreement, the professional component shall be thirty-five percent of the scheduled fee.

Diagnostic Radiology (Diagnostic Imaging)

70030	\$46.47	70220	\$67.34	70450	\$355.17
70100	\$55.46	70250	\$60.98	70460	\$455.37
70110	\$67.23	70260	\$81.52	70470	\$559.87
70140	\$52.61	70330	\$82.58	70480	\$460.04
70150	\$70.71	70336	\$822.77	70486	\$413.62
70160	\$56.50	70355	\$39.54	70491	\$504.09
70200	\$72.56	70360	\$47.05	70496	\$870.81

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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
70498	\$895.36	72149	\$986.12	73564	\$66.24
70543	\$1,396.31	72156	\$1,419.76	73565	\$55.29
70544	\$846.76	72157	\$1,411.15	73580	\$229.61
70547	\$873.07	72158	\$1,401.64	73590	\$46.08
70551	\$758.09	72170	\$46.69	73600	\$48.50
70553	\$1,448.09	72190	\$68.93	73610	\$54.35
71010	\$41.69	72192	\$439.73	73620	\$47.35
71020	\$53.88	72193	\$546.74	73630	\$53.62
71030	\$76.23	72195	\$802.12	73650	\$47.45
71035	\$56.57	72197	\$1,418.30	73660	\$47.56
71100	\$53.79	72200	\$49.37	73700	\$435.10
71101	\$65.45	72202	\$60.98	73701	\$504.32
71110	\$63.39	72220	\$49.34	73706	\$810.34
71111	\$90.93	72265	\$278.12	73718	\$761.82
71120	\$55.68	72275	\$193.04	73720	\$1,297.50
71130	\$62.24	72295	\$399.48	73721	\$765.64
71250	\$460.89	73000	\$49.22	73722	\$980.55
71260	\$569.11	73010	\$51.92	73723	\$1,385.01
71270	\$708.14	73020	\$40.51	74000	\$44.33
71275	\$802.11	73030	\$50.48	74020	\$66.87
71550	\$820.57	73040	\$189.30	74022	\$80.03
71552	\$1,459.40	73050	\$65.39	74150	\$437.24
72020	\$39.06	73060	\$49.23	74160	\$551.39
72040	\$62.30	73070	\$49.05	74175	\$829.88
72050	\$88.15	73080	\$55.19	74176	\$538.41
72052	\$111.51	73085	\$171.24	74177	\$697.62
72070	\$57.37	73090	\$48.71	74178	\$853.96
72072	\$57.85	73100	\$50.36	74181	\$828.44
72074	\$68.71	73110	\$60.39	74183	\$1,427.00
72080	\$59.88	73115	\$171.00	74430	\$118.39
72100	\$66.02	73120	\$47.65	75625	\$628.64
72110	\$91.04	73130	\$54.08	75710	\$634.09
72114	\$120.33	73140	\$50.15	75716	\$685.07
72120	\$85.05	73200	\$434.77	75736	\$640.11
72125	\$462.65	73201	\$501.31	75774	\$489.40
72128	\$461.65	73218	\$798.58	75894	\$1,357.89
72129	\$571.96	73220	\$1,297.24	75898	\$222.48
72131	\$459.53	73221	\$802.99	76000	\$147.15
72132	\$571.08	73222	\$979.17	76001	\$182.18
72141	\$807.21	73223	\$1,384.56	76376	\$134.96
72142	\$993.65	73525	\$176.36	76377	\$162.80
72146	\$786.00	73560	\$51.40		
72148	\$785.37	73562	\$59.69		

Diagnostic Ultrasound

76512	\$173.65	76775	\$157.91	76881	\$190.58
76514	\$26.59	76801	\$196.51	76882	\$52.23
76519	\$136.15	76815	\$145.31	76937	\$59.50
76536	\$190.87	76817	\$164.06	76942	\$253.74
76700	\$218.79	76830	\$189.44		
76705	\$166.74	76856	\$188.94		
76770	\$209.93	76870	\$174.62		

Radiologic Guidance

77001	\$178.34	77003	\$130.11
77002	\$148.68	77012	\$424.76

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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
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Breast, Mammography

77052	\$20.82				
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Bone/Joint Studies

77073	\$71.22	77077	\$78.24	77080	\$169.44
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Nuclear Medicine

78104	\$436.48	78315	\$555.01	78805	\$327.59
78300	\$300.34	78320	\$462.11	78806	\$614.64
78305	\$399.44	78445	\$286.64		
78306	\$443.21	78452	\$936.51		

PATHOLOGY AND LABORATORY

Organ or Disease-Oriented Panels

80048	\$21.20	80053	\$22.78	80074	\$101.75
80050	\$53.82	80061	\$41.42	80076	\$17.66
80051	\$16.59	80069	\$18.65		

Therapeutic Drug Assays

80156	\$34.43	80184	\$27.22	80197	\$32.54
80164	\$32.27	80185	\$31.61	80202	\$32.27
80176	\$33.21	80186	\$29.81	80299	\$27.85

Consultations (Clinical Pathology)

80500	\$35.04				
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Urinalysis

81000	\$5.01	81003	\$5.20	81025	\$15.07
81001	\$7.57	81005	\$5.12		
81002	\$6.18	81015	\$7.14		

Molecular Pathology

81226	\$640.24	81291	\$95.53		
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Chemistry

82040	\$11.86	82274	\$34.99	82530	\$39.83
82043	\$13.84	82306	\$60.63	82533	\$40.08
82105	\$34.05	82310	\$12.14	82542	\$44.51
82140	\$34.73	82330	\$32.46	82550	\$15.34
82150	\$13.18	82374	\$11.54	82553	\$27.38
82175	\$38.59	82375	\$29.27	82565	\$12.09
82247	\$12.00	82382	\$34.99	82570	\$12.16
82248	\$11.96	82435	\$10.86	82607	\$35.67
82270	\$7.49	82465	\$10.26	82728	\$29.42

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82746	\$34.93	83718	\$19.56	84300	\$11.49
82785	\$39.21	83721	\$22.71	84305	\$40.43
82803	\$45.87	83735	\$15.91	84311	\$14.17
82805	\$69.91	83789	\$39.05	84315	\$5.84
82945	\$9.39	83861	\$35.48	84402	\$51.71
82947	\$9.40	83880	\$80.98	84403	\$52.50
82948	\$6.42	83921	\$32.01	84436	\$16.43
82962	\$3.92	83930	\$15.75	84439	\$21.45
82977	\$17.13	83935	\$16.04	84443	\$39.93
83001	\$44.17	83970	\$97.65	84450	\$12.17
83002	\$43.94	83986	\$6.84	84460	\$12.62
83003	\$39.49	83992	\$36.22	84466	\$25.96
83010	\$29.86	84075	\$12.16	84478	\$13.82
83018	\$44.67	84100	\$11.37	84480	\$33.59
83036	\$22.92	84132	\$10.86	84481	\$40.13
83090	\$40.05	84134	\$33.06	84482	\$37.43
83516	\$23.41	84146	\$46.06	84484	\$23.45
83525	\$27.21	84153	\$43.64	84520	\$9.42
83540	\$15.31	84155	\$8.77	84550	\$10.74
83550	\$17.74	84156	\$8.94	84681	\$49.46
83605	\$25.37	84157	\$8.78	84702	\$35.57
83615	\$14.46	84165	\$42.92	84703	\$18.46
83655	\$28.67	84270	\$38.41		
83690	\$16.46	84295	\$11.43		

Hematology and Coagulation

85007	\$8.19	85049	\$10.75	85610	\$9.42
85014	\$5.89	85240	\$42.53	85651	\$8.34
85018	\$5.90	85379	\$23.72	85652	\$5.48
85025	\$18.39	85384	\$20.23	85670	\$13.81
85027	\$15.27	85460	\$14.61	85730	\$14.14
85045	\$9.56	85576	\$68.76		

Immunology

86003	\$10.60	86430	\$11.50	86705	\$27.97
86038	\$30.28	86431	\$13.38	86706	\$25.51
86140	\$12.18	86580	\$13.60	86707	\$27.41
86141	\$24.16	86592	\$8.11	86708	\$29.32
86160	\$28.57	86677	\$34.39	86709	\$26.74
86200	\$30.70	86689	\$39.32	86803	\$33.79
86225	\$32.53	86703	\$32.51		
86235	\$36.97	86704	\$28.61		

Transfusion Medicine

86850	\$28.38	86904	\$10.56	86927	\$29.58
86900	\$6.04	86920	\$45.95		
86901	\$7.74	86922	\$33.57		

Microbiology

87015	\$12.59	87077	\$17.50	87116	\$24.60
87040	\$20.99	87081	\$12.59	87140	\$11.32
87046	\$20.18	87086	\$16.38	87147	\$10.53
87070	\$20.35	87088	\$18.52	87181	\$4.66
87071	\$18.42	87102	\$17.08	87184	\$14.05
87075	\$19.21	87103	\$18.37	87186	\$17.52
87076	\$17.56	87110	\$46.45	87205	\$10.17

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87206	\$12.72	87449	\$19.12	87641	\$66.81
87210	\$8.64	87491	\$62.92	87804	\$24.40
87324	\$24.34	87517	\$87.01	87880	\$24.73
87340	\$20.93	87522	\$87.01	87899	\$24.84
87350	\$27.37	87536	\$170.61		
87389	\$49.23	87591	\$70.56		

Surgical Pathology

88300	\$34.14	88305	\$168.57	88331	\$155.65
88302	\$69.62	88311	\$31.79	88342	\$161.40
88304	\$87.45	88312	\$149.21		

Other Procedures

89051	\$11.20	89060	\$29.80		
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MEDICINE

Fees include both the technical and professional components. In the absence of any prior agreement, the professional component shall be thirty-five percent of the scheduled fee.

Vaccines, Toxoids

90636	\$94.84	90715	\$43.56	90746	\$61.45
90714	\$24.61	90732	\$73.84		

Psychiatry

90791	\$220.70	90834	\$142.59	90846	\$133.74
90792	\$206.10	90837	\$187.28	90847	\$158.22
90832	\$106.27	90838	\$135.70		

Biofeedback

90901	\$59.20				
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Gastroenterology

91035	\$689.74	91110	\$1,360.49		
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Ophthalmology

92002	\$98.11	92083	\$98.10	92235	\$176.23
92015	\$59.42	92132	\$52.24	92250	\$99.96
92020	\$44.04	92133	\$65.53	92284	\$95.07
92025	\$51.12	92134	\$65.77	92285	\$41.68
92060	\$81.02	92136	\$122.04	92286	\$152.57
92071	\$56.06	92225	\$35.61		
92082	\$79.79	92226	\$33.30		

Special Otorhinolaryngologic Services

92511	\$188.74	92526	\$109.00	92540	\$149.97
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92541	\$64.00	92565	\$21.53	92591	\$105.72
92542	\$62.49	92567	\$23.64	92592	\$40.78
92545	\$46.86	92568	\$22.03	92594	\$25.80
92547	\$20.89	92570	\$39.52	92595	\$44.13
92548	\$138.24	92577	\$32.81	92610	\$143.94
92550	\$25.26	92587	\$67.26	92611	\$158.07
92557	\$65.20	92588	\$96.29		

Cardiovascular

93000	\$34.38	93040	\$19.11	93283	\$126.77
93005	\$20.72	93042	\$10.65	93289	\$98.88
93010	\$12.31	93225	\$57.78	93306	\$409.84
93015	\$140.16	93226	\$96.28	93307	\$249.98
93016	\$30.18	93227	\$38.40	93325	\$64.75
93017	\$86.96	93280	\$92.07	93351	\$407.51
93018	\$21.73	93282	\$103.07	93458	\$1,367.12

Noninvasive Vascular Diagnostic Studies

93880	\$301.28	93970	\$301.95	93976	\$278.35
93926	\$217.24	93971	\$199.14	93979	\$202.08

Pulmonary

94002	\$116.73	94644	\$57.79	94727	\$62.40
94003	\$88.71	94645	\$20.12	94729	\$80.47
94010	\$50.72	94664	\$24.12	94760	\$5.82
94060	\$87.71	94667	\$35.04	94762	\$39.41
94640	\$28.00	94726	\$79.79		

Allergy and Clinical Immunology

95044	\$9.22				
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Neurology and Neuromuscular Procedures

95810	\$990.59	95909	\$188.96	95929	\$308.03
95811	\$1,033.89	95910	\$248.46	95930	\$173.22
95851	\$27.60	95911	\$300.12	95938	\$487.24
95852	\$22.05	95912	\$351.39	95939	\$743.07
95885	\$84.64	95913	\$406.40	95957	\$456.62
95886	\$127.59	95925	\$205.70	95971	\$76.71
95907	\$127.91	95926	\$194.17	95972	\$135.68
95908	\$172.08	95928	\$302.55		

Central Nervous System Assessments/Tests

96101	\$107.81				
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Health and Behavior Assessment/Intervention

96150	\$26.94	96152	\$26.12		
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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
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**Hydration, Therapeutic, Prophylactic, Diagnostic Injections and Infusions,
and Chemotherapy and Other Highly Complex Drug
or Highly Complex Biologic Agent Administration**

96360	\$94.70	96366	\$32.44	96375	\$35.77
96361	\$25.94	96367	\$52.10	96376	\$24.24
96365	\$110.46	96374	\$83.70		

Physical Medicine and Rehabilitation

97012	\$18.94	97033	\$33.88	97545	\$148.61
97014	\$16.01	97035	\$15.60	97546	\$49.01
97024	\$8.02	97150	\$21.85	97605	\$49.55
97026	\$7.30	97532	\$32.31		

Acupuncture

97810	\$53.27	97813	\$57.20
97811	\$35.31	97814	\$39.55

Chiropractic Manipulative Treatment

98940	\$36.90
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Special Services, Procedures and Reports

99000	\$8.17	99051	\$10.78	99060	\$74.09
99002	\$10.89	99053	\$67.00	99090	\$48.66
99050	\$39.35	99058	\$25.72		

Qualifying Circumstances for Anesthesia

99100	\$44.15	99135	\$116.12	99140	\$71.11
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Moderate (Conscious) Sedation

99144	\$85.36
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Other Services and Procedures

99173	\$9.80	99183	\$269.15
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DENTAL SERVICES

Diagnostic

D0120	\$41.82	D0210	\$93.16	D0274	\$48.78
D0140	\$52.69	D0220	\$19.27	D0330	\$84.01
D0150	\$57.13	D0230	\$15.04	D0470	\$70.63

Preventive

D1110	\$68.85
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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
D2160	\$118.21	D2335	\$177.04	D2940	\$71.22
D2330	\$89.49	D2740	\$803.76	D2950	\$173.19
D2331	\$123.15	D2750	\$753.82	D2954	\$203.75
D2332	\$153.70	D2752	\$712.82	D2962	\$715.66

Restorative

D3310	\$461.66
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Endodontics

D4211	\$211.85	D4266	\$382.32
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Periodontics

D5110	\$993.42	D5211	\$808.92	D5820	\$390.40
D5130	\$1,062.41	D5212	\$862.39		

Prosthodontics, Removable

D6010	\$1,730.61	D6059	\$1,111.42
D6057	\$531.67	D6104	\$236.42

Implant Services

D6240	\$736.85	D6245	\$725.26	D6750	\$756.23
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Prosthodontics, Fixed

D7140	\$93.49	D7880	\$480.01
D7210	\$189.59	D7953	\$255.81

Oral & Maxillofacial Surgery

D9110	\$77.14	D9940	\$386.50
D9310	\$92.24	D9942	\$110.66

EVALUATION AND MANAGEMENT

Office or Other Outpatient Services

99201	\$54.57	99203	\$130.82
99202	\$89.41	99211	\$29.95

Hospital Observation Services

99217	\$90.55	99225	\$92.41
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Hospital Inpatient Services

99222	\$164.18	99233	\$121.61	99238	\$87.22
99231	\$49.86	99235	\$208.44	99239	\$130.54
99232	\$86.36	99236	\$265.42		

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Code	Maximum Fee	Code	Maximum Fee	Code	Maximum Fee
Consultations					
99241	\$54.50	99245	\$206.72	99254	\$171.99
99242	\$89.68	99251	\$51.87	99255	\$212.99
99243	\$124.02	99252	\$80.80		
99244	\$169.27	99253	\$119.78		
Emergency Department Services					
99281	\$37.52	99283	\$112.25	99285	\$265.32
99282	\$68.64	99284	\$180.91		
Critical Care Services					
99291	\$333.95	99292	\$160.93		
Nursing Facility Services					
99308	\$80.73	99309	\$111.54	99310	\$158.61
Prolonged Services					
99354	\$129.85	99358	\$163.03		
Case Management Services					
99366	\$58.91				
99367	\$77.24				
Preventive Medicine Services					
99395	\$121.34	99406	\$17.63		
Non-Face-to-Face Services					
99441	\$19.91	99442	\$36.89	99443	\$54.37

Special Evaluation and Management Services

Code	Description	Maximum Fee
99456A*	Complex consultation pursuant to Section 386-79, HRS - work related or medical disability examination by other than the treating physician that includes: <ul style="list-style-type: none"> ▪ completion of a medical history commensurate with the patient's condition; ▪ performance of an examination commensurate with the patient's condition; ▪ formulation of a diagnosis, assessment of capabilities and stability, and calculation of impairment; ▪ development of future medical treatment plan; ▪ completion of necessary documentation/certificates and report; and ▪ review of records relating to the patient's condition. 	
	First hour	\$201.24
99456B*	Each additional 30 minute increment (an increment must be at least 30 minutes.)	\$100.62

*Department of Labor Code

Bundled Services: Certain codes, such as telephone calls, are considered by the Health Care Financing Administration (HCFA) to be "bundled" services. Bundled services are not payable, nor should they be billed, when performed incident to or in conjunction with another service even if the other service is performed on a different day. When services that are designated as bundled are denied, the physician may not collect from the patient.

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Exhibit 3

PROPOSED
RULES AND REGULATIONS

PROVIDED TO CAR SHARE ORGANIZATIONS

DRAFT VERSION DATED 2/22/16

OF

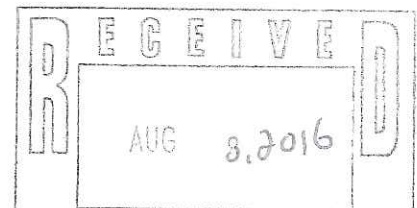
TITLE 23

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

CHAPTER 6
PUBLIC TRANSIT SUPPORTIVE SERVICES
CAR-SHARING PROGRAM

FOR THE
IMPACT ASSESSEMENT OF SMALL BUSINESS /CAR SHARING ORGANIZATIONS

(Hawaii Revised Statutes HRS §201M)



TITLE 23

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

CHAPTER 6

PUBLIC TRANSIT SUPPORTIVE SERVICES – CAR-SHARING PROGRAM

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- §23-6-02 Purpose
- §23-6-03 Definitions
- §23-6-04 Methods whereby the public may obtain information

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- §23-6-06 Parking applicability
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Subchapter 4 Car-Sharing Meter Parking Decals Program

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- §23-6-20 Parking applicability
- §23-6-21 Application required
- §23-6-22 Application review process
- §23-6-23 Decal annual fee
- §23-6-24 Decals not transferable
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- §23-6-26 Decal renewal
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- §23-6-29 Car-Sharing Organization Reporting Requirements

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- §23-6-30 City reporting responsibilities

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- §23-6-31 Car-Sharing Organization's responsibilities.

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- §23-6-32 Insurance requirements
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- §23-6-34 Additional insured
- §23-6-35 Waiver of subrogation
- §23-6-36 Subcontractors and subconsultants
- §23-6-37 Worker's compensation/liability insurance
- §23-6-38 Commercial general liability insurance
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- §23-6-40 Additional provisions

Subchapter 9 Car-Sharing Program Enforcement

- §23-6-41 Enforcement and Towing
- §23-6-42 Restricted Activities

Subchapter 10 Deposit and Use of Revenues

§23-6-43 Deposit and use of revenues

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§23-6-44 Submittals or requests for information

§23-6-45 Information – Public Transit Supportive Services

SUBCHAPTER 1

GENERAL PROVISIONS

§23-6-1 Authority. Pursuant to and by virtue of the authority set forth in Section 6-1703(d) of the Revised Charter of the City and County of Honolulu 1973 (2000 Ed.) (RCH), Ordinance 15-35, and Chapter 91 of the Hawaii Revised Statutes (HRS), these Rules and Regulations relating to use of City-owned parking stalls by car-sharing organizations are hereby established. [Eff.]
Auth: RCH §6-1703(d), ROH §13-____, HRS §91-2)

§23-6-2. Purpose. The purpose of this chapter is to establish a program in connection with the public transit system to improve the mobility of Honolulu residents by providing support and regulation to car-sharing organizations. [Eff.] Auth: RCH §6-1703(d), ROH §13-11/2, HRS §91-2) Imp: [RCH §6-1703(d), ROH §13-____, HRS §91.2).

§23-6-3. Definitions. The following definitions shall apply to the provisions contained in these rules and regulations:

(a) “Meter Parking Decal” is a decal that is affixed to a vehicle in a CSO’s fleet that is effective for a period of one calendar year for the use of unreserved on- and off-street City-owned public metered parking stalls with parking time limits designated by official signs established under Section 15-16.1, ROH beyond one hour.

(b) “Meter Parking Decal Fee” is a fee assessed once a year for one calendar year or prorated for less than one full calendar year for CSOs requesting a car-share meter parking decal issued to the organization for each vehicle in its fleet that will be allowed to park in City-owned metered parking stalls with parking time limits designated by official signs established under Section 15-16.1, ROH, longer than one hour.

(c) “Car-Sharing Organization” or “CSO”, is a rental motor vehicle lessor that operates a membership program in accordance with Section 251-1, HRS.

(d) “City” is the City and County of Honolulu.

(e) “City-controlled public off-street parking facilities” are parking lots or garages established pursuant to ROH Sections 15-23.1 and 15-23.2 that are owned and managed by the City.

(f) “Council” is the Honolulu City Council.

(g) “DTS” is the Department of Transportation Services, City and County of Honolulu.

- (h) "Director" is the Director of DTS or, in appropriate cases, the Director's designee.
- (i) "HRS" is the Hawaii Revised Statutes.
- (j) "On-street metered parking stalls" are marked parking spaces located in a designated parking meter zone, established pursuant to ROH Section 15-22.2.
- (k) "Permittee" is a CSO to which the City has issued a Reserved Parking Stall Permit or a Meter Parking Decal pursuant to this article.
- (l) "Random Drawing" is a method for selection of a CSO if there is more than one CSO interested in the same Reserved Parking Stall. The Director shall assign numbers to each CSO applying for the same stall and place the numbers in a box and randomly draw the number of the CSO that shall receive the Reserved Parking Stall Permit and Sticker.
- (m) "Reserved Parking Stall" is a marked and designated parking stall in a City-controlled public off-street parking facility, reserved for use only by a designated CSO, specified fleet vehicles, and its members, in accordance with the provisions set forth herein.
- (n) "Reserved Parking Stall Permit" is a permit for exclusive use of a Reserved Parking Stall by a CSO, specified fleet vehicles, and its members.
- (o) "Reserved Parking Stall Sticker" is a sticker, purchased by a CSO, that must be affixed to each vehicle in the CSO's fleet that is authorized to park in a specified Reserved Parking Stall assigned to the CSO.
- (p) "UIPA" is the Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statutes.
- (q) "ROH" is the Revised Ordinances of Honolulu of the City and County of Honolulu.

[Eff.] [Auth: RCH §6-1703(d), ROH §§13-11.1, 13-11.2) (Imp: RCH §6-1703(d), ROH §§13-11.2, HRS §91-2, §251-1)

SUBCHAPTER 2

RESERVED CAR-SHARING PARKING STALLS PROGRAM

§23-6-7. Reserved Parking Stalls. (a) The Director shall make available up to a total of fifty (50) Reserved Parking Stalls to interested CSO(s).

(b) The Director shall provide notice that Reserved Parking Stalls are available and that DTS is accepting applications for Reserved Parking Stall Permits by posting an announcement on DTS' website which will indicate the date and time by which applications for Reserved Parking Stall Permits must be submitted.

§23-6-8. Parking applicability. (a) Only vehicles displaying valid Reserved Parking Stall Stickers may park in a Reserved Parking Stall.

(b) The CSO will install signage and markings in accordance with standards provided by DTS to designate the Reserved Parking Stall for “Car Share Vehicles Only” and to identify the CSO that is permitted to use the stall.

§23-6-10. Application required. (a) Any CSO desiring a Reserved Parking Stall Permit shall file an application on forms provided by the Director.

(b) Applications shall be accepted during periods announced by the Director in accordance with Section 23-6-7(b).

(c) Information to be provided with the application shall include, but not be limited to:

- (1) The CSO applicant’s name, mailing address, email address, contact person, phone number, and sales tax number.
 - (2) A Certificate of Good Standing issued by the Hawaii Department of Commerce and Consumer Affairs, within 2 months of the application.
 - (3) Insurance certificates for the CSO.
 - (4) Vehicle registrations, insurance certificates, and safety checks for each vehicle for which a Reserved Parking Stall Sticker is sought.
 - (5) Proof of the CSO’s registration with the Hawaii Department of Taxation pursuant to Section 251-3(a), HRS.
 - (6) Identification, including a map, of desired Reserved Parking Stall locations.
 - (7) A report of the CSO’s presentation of its application and its proposed activities to the area neighborhood board.
 - (8) A cleanliness plan for the Reserved Parking Stall.
- (d) Upon filing, the application shall be date-stamped and time-stamped.

§23-6-11. Application review process. (a) Upon receipt, the Director shall review applications according to the following:

- (1) The application shall be reviewed for completeness and consistency with the goals of Ordinance 15-35.
- (2) The Director shall evaluate whether the parking stall(s) requested in the application are suitable for designation and use as Reserved Parking Stalls.
- (3) If two or more CSOs request the same Reserved Parking Stall, and they cannot all be accommodated, the determination shall be made by Random Drawing.
- (4) CSOs that are selected and awarded a Reserved Parking Stall Permit will be notified in writing.

(5) The approved application, along with the written notification, shall serve as the Reserved Parking Stall Permit and shall set forth the terms and conditions for the exclusive use of the Reserved Parking Stall(s).

§23-6-12. Reserved Parking Stall annual fee. (a) A CSO that has been awarded a Reserved Parking Stall Permit shall not be entitled to use the Reserved Parking Stall until it has paid an annual fee and purchased a Reserved Parking Stall Sticker for each vehicle that will be allowed to use such Reserved Parking Stall, pursuant to the information and documentation submitted with the CSO's application.

(b) The annual fee shall be one thousand five hundred dollars (\$1,500.00), payable to the "City and County of Honolulu" and delivered to the Director.

(c) The CSO shall have exclusive use of the Reserved Parking Stall from January 1 to December 31 of the calendar year to which the annual fee applies. The Director shall have the authority to prorate the annual fee if the Reserved Parking Stall Permit is issued after January 31.

§23-6-14. Reserved Parking Stall Permits and Stickers not transferable. Reserved Parking Stall Permits and Stickers are valid only for the specific Reserved Parking Stalls and vehicles for which they are issued, and they are not transferable or assignable without the consent of the Director.

§23-6-15. Failure to pay Annual Fee or pick up sticker. If a CSO fails to pay the annual fee, or fails to pay for and pick up its Reserved Parking Stall Sticker(s), within five (5) working days after DTS sends the CSO written notice that its application has been approved, the Reserved Parking Stall Permit shall be cancelled and the CSO shall forfeit the Reserved Parking Stall.

§23-6-16. Reserved Parking Stall Permit Renewal. (a) Applications to renew Reserved Parking Stall Permits shall be filed by December 1 prior to expiration of the Reserved Parking Stall Permit.

(b) CSO(s) may apply annually to renew a Reserved Parking Stall Permit for three consecutive years beyond the first year. The application for renewal shall contain the same information required by Section 23-6-10 above.

(c) For each renewal, the CSO must pay the annual fee and purchase new Reserved Parking Stall Stickers for each vehicle that will be allowed to use Reserved Parking Stall pursuant to the information and documentation submitted with the CSO's application.

(d) If, by the date set forth in (a) above, a Reserved Parking Stall Permittee does not submit an application to renew a Reserved Parking Stall Permit that is eligible for renewal, the Reserved Parking Stall Permit shall expire on December

31 and the Reserved Parking Stall may be made available to another CSO, or may revert back to its original use.

§23-6-17. Reserved Parking Stall Stickers. (a) Reserved Parking Stall Stickers may be issued to any vehicles that are identified, and for which all required documentation has been submitted, in an application pursuant to Section _____, at the cost of twenty dollars (\$20.00) per sticker made payable to the “City and County of Honolulu” and delivered to the Director.

(b) Reserved Parking Stall Stickers will be effective for a calendar year, state the date of expiration, be uniquely numbered, and be displayed on a vehicle inside the lower portion of the windshield on the driver’s side of the vehicle.

(c) Any vehicle parked in a Reserved Parking Stall must display a Reserved Parking Stall Sticker valid for that stall.

(d) If a Reserved Parking Stall Sticker is mutilated, defaced, or lost, a replacement may be issued for a replacement fee of twenty dollars (\$20.00) payable to the “City and County of Honolulu” and delivered to the Director.

§23-6-19. Removal and relocation of Reserved Parking Stalls. (a) Reserved Parking Stalls may be removed or relocated with 30 days’ notice at the discretion of the Director.

(b) If a Reserved Parking Stall must be removed while it is reserved to a CSO under a Reserved Parking Stall Permit, the City will refund a prorated amount to the CSO or the Director and the CSO may find a suitable alternative Reserved Parking Stall.

(c) If a Reserved Parking Stall must be temporarily relocated due to a construction or maintenance project, the Director will work with the Reserved Parking Stall Permittee to find a temporary alternative location.

SUBCHAPTER 4

CAR-SHARING METER PARKING DECALS PROGRAM

§23-6-21. Meter Parking Decals. (a) The Director may issue up to a total of one-hundred-seventy-five (175) Meter Parking Decals to interested CSOs.

(b) The Director shall provide notice that Meter Parking Decals are available and that DTS is accepting applications for Meter Parking Decals by posting an announcement on DTS’ website indicating the date and time by which applications for Meter Parking Decals must be submitted.

§23-6-22. Parking applicability. (a) Vehicles displaying valid Meter Parking Decals may park in metered parking stalls, in the City's right-of-way and in City-controlled public off-street parking facilities, which allow for parking longer than one hour:

- (1) Without paying meter fees; and
- (2) For up to twenty-four (24) hours.

(b) Meter Parking Decals shall only excuse the CSO, with respect to the subject vehicle, from applicable parking meter fees and associated time limits at locations and during times where public parking is otherwise allowed; it does not excuse the CSO from compliance with the Traffic Code (ROH Chapter 15) and all other laws governing vehicles, parking, and the use of City roadways and rights-of-way, nor does it allow the vehicle to park in locations or at times where parking by the general public is prohibited.

(c) Meter Parking Decals shall not be effective for any metered parking stalls that have been rendered unavailable for parking by law, such as during a parade or special event, or due to construction activity, or pursuant to ROH Sections 15-13.12, 15-14.8, and 15-22.8.

§23-6-23. Application required. (a) Any CSO wishing to purchase a Meter Parking Decal shall submit an application on a form provided by the Director. Applications shall be accepted during periods announced by the Director in accordance with Section 23-6-21(b). Information to be provided with the application shall include, but not be limited to:

- (1) The CSO applicant's name, mailing address, email address, contact person, phone number, and sales tax number.
- (2) A Certificate of Good Standing issued by the Hawaii Department of Commerce and Consumer Affairs within two months of the application.
- (3) Insurance certificates for the CSO.
- (4) Vehicle registrations, vehicle registration numbers, insurance certificates, and safety checks for each vehicle for which a Meter Parking Decal is sought.
- (5) Proof of the CSO's registration with the Hawaii Department of Taxation pursuant to HRS Section 215-3(a).
- (6) The CSO's proposed geographical service area boundaries for vehicles with Meter Parking Decals.
- (7) Number of decals requested.
- (8) A report of the CSO's presentation of its application and its proposed activities to the applicable area neighborhood boards.

- (9) Summary of qualifications for economic viability, including an overview of the CSO's operational history, experience in providing car-sharing services to customers, and a list of existing project examples similar to Honolulu.
- (b) Upon filing, the application shall be date-stamped and time-stamped.

§23-6-24. Application review process. (a) The Director shall issue Meter Parking Decals based on a review of the applications received, according to the following:

- (1) The application shall be reviewed for completeness and consistency with the goals of the Ordinance 15-35.
- (2) Favorable consideration shall be given to CSOs implementing a larger and more diverse geographic service area.
- (3) CSOs that are selected and awarded a Meter Parking Decals will be notified in writing. The approved application, together with the written notification shall set forth the terms and conditions for the use of the Meter Parking Decals

§23-6-25. Meter Parking Decal annual fee. (a) To obtain a Meter Parking Decal, the approved CSO shall pay an annual fee of one thousand five-hundred and twenty dollars (\$1,520.00), payable to the "City and County of Honolulu" and delivered to the Director.

(b) The Meter Parking Decal shall be valid from January 1 to December 31 of the year to which the annual fee applies.

(c) The Director may prorate the annual fee for Meter Parking Decals issued for less than a full year.

§23-6-26. Meter Parking Decal not transferable. Each Meter Parking Decal is valid only for the specific vehicle for which it is issued and is not assignable or transferable without the consent of the Director.

§23-6-27. Failure to pay annual fee or pick up decal. If an applicant fails to pay the annual fee and pick up the Meter Parking Decal(s) within five (5) working days after DTS has sent the CSO written notice that its application has been approved, the approval shall be cancelled and the CSO shall forfeit the Meter Parking Decal.

§23-6-28. Meter Parking Decal renewal. (a) Applications to renew Meter Parking Decals shall be filed by December 1 prior to the expiration of the Meter Parking Decal.

(b) CSO(s) may apply annually to renew Meter Parking Decals for three consecutive years beyond the first year. The application for renewal shall contain the same information required by the Section 23-6-10 above.

(c) For each renewal, the CSO must pay the annual fee for each Meter Parking Decal renewed.

(d) If, by the date set forth in (a) above, a Meter Parking Decal Permittee does not submit an application to renew a Meter Parking Decal that is eligible for renewal, the Meter Parking Decal shall expire on December 31.

§23-6-29. Decal display required. (a) Meter Parking Decals shall be displayed on the vehicle for which the Meter Parking Decal has been issued, inside the lower portion of the windshield on the driver's side of the vehicle. Meter Parking Decals will be effective for a calendar year, state the date of expiration, and be uniquely numbered.

(b) If a Meter Parking Decal is mutilated, defaced, or lost, a replacement may be issued for a replacement fee of twenty dollars (\$20.00), payable to the "City and County of Honolulu" and delivered to the Director.

SUBCHAPTER 5

CAR-SHARING ORGANIZATION PROGRAM REPORTING REQUIREMENTS

§23-6-31. Car-Sharing Organization Reporting Requirements. (a) A CSO that is assigned one or more Reserved Parking Stall Permits or Meter Parking Decals shall survey their members initially upon sign up and annually thereafter.

(b) CSOs must provide a written report to the Director, no later than 90 days after the end of the calendar year. The annual report shall include the following information for the preceding calendar year:

- (1) The number of Metered Parking Decals issued to the CSO;
- (2) The difference between the fee assessed for the Meter Parking Decal and actual usage of metered parking stalls;
- (3) Descriptive data about how often car-sharing vehicles are rented versus parked, peak use periods, and how and when vehicles tend to be distributed in certain areas of the City;
- (4) General information regarding fleet and membership:
 - A. Number of vehicles in fleet
 - B. Location of vehicles (both on- and off-street)
 - C. Fleet Usage
 - D. Total number of members

E. Member survey and demographics, and;

(5) Any other pertinent information requested by the Director or required by law.

(c) Within sixty (60) days after the end of the calendar year, the CSO must provide data showing actual usage of metered parking stalls by each vehicle for which a Metered Parking Decal was issued during the preceding calendar year. In the event the total actual usage of metered parking stalls by the vehicle, as determined by the City, exceeds the Meter Parking Decal annual fee, the CSO shall reimburse the City for the difference no later than March 31 of each year.

(d) Information submitted to the City is subject to the UIPA, HRS Chapter 92F. If the CSO believes that any materials it submits constitute trade secrets, privileged information, or confidential commercial information or financial data, then the CSO shall mark those items as confidential or proprietary.

(e) The City is not bound by the CSO's determination as to whether materials are subject to disclosure under the UIPA, and reserves the right to independently determine whether the materials are required to be made available for inspection or otherwise produced under the UIPA.

(f) If the City receives a request, subpoena, court order, or other legal authority, for such information marked as confidential, or if legal action or process is initiated for such information, the City will notify the CSO and comply with its disclosure requirements. The CSO shall be responsible for taking appropriate action to defend against disclosure of its confidential information, and will indemnify and hold the City harmless from any costs or liability resulting from any UIPA litigation.

SUBCHAPTER 7

CAR-SHARING ORGANIZATION'S RESPONSIBILITIES

§23-6-33. Car-sharing organization's responsibilities. (a) The CSO shall be responsible for the following:

- (1) Each CSO fleet vehicle that is assigned a Reserved Parking Stall Sticker or a Meter Parking Decal must be:
 - a. Owned by the CSO or a parent company.
 - b. Registered with the City and County of Honolulu, Department of Customer Services, Motor Vehicles Registration Division, and proof of such registration shall be provided to the Director before any Reserved Parking Stall Sticker or Meter Parking Decal may be issued for that vehicle.

- c. Clearly identified as a car-sharing vehicle by the CSO's company logo or name affixed to a publicly visible area of the vehicle's exterior.
- (2) CSOs must resolve all the parking citations, fines, and charges associated with its fleet before it can apply for any Reserved Parking Stall Permit or Meter Parking Decal, whether initially or as a renewal. A CSO's application may be disqualified if the CSO fails to resolve all parking citations, fines, and charges before the initial or renewal application deadline.
- (3) Any advertisement or publication referencing the City's participation in car share program operations must have the City's prior written approval.
- (4) CSO Permittees shall indemnify, defend and hold harmless the City, its officers, agents and employees from any and all claims, demands, and actions for personal injury or property damage, including attorney's fees and costs, which may result from the CSO's activities or its use of City-owned parking stalls.
- (5) CSO shall keep the parking stalls that it utilizes in a safe, clean and orderly condition. Failure to do so will result in the revocation of any Reserved Parking Stall Permits or Meter Parking Decals issued to the CSO.

SUBCHAPTER 8

INSURANCE REQUIREMENTS

§23-6-34. Insurance Requirements. (a) General conditions. The CSO agrees to secure, at or before the time of the execution of the permit, the following insurance covering all operations, goods, and services provided pursuant to the permit.

(b) The CSO(s) shall keep the required insurance coverage in force at all times during the term of the permit and any extension.

(b) The required insurance coverages shall be written on occurrence forms, unless specifically approved by the City.

(d) The required insurance shall be underwritten by an insurer licensed and authorized to do business in the state of Hawaii and rated by A.M. Best Company as "A-"VIII or better, or provided by CSO as a self-insurer.

(d) The insurance coverage shall contain a valid provision or endorsement requiring notification to the City in the event any of the required policies be cancelled or non-renewed before the expiration date.

- (e) The written notice shall be sent to the parties identified above and shall reference the permit number.
- (1) The notice shall be sent thirty (30) prior to such cancellation or non-renewal unless due to non-payment of premiums for which notice shall be sent ten (10) days prior.
 - (2) If such written notice is unavailable from the insurer, CSO shall provide written notice of cancellation, non-renewal and any reduction in coverage to the parties identified in the Notices section by certified mail, return receipt requested within three (3) business days of such notice by its insurer(s) and referencing the City's permit number.
 - (3) If any policy is in excess of a deductible or self-insured retention, the City must be notified by the CSO.
 - (4) The CSO shall be responsible for the payment of any deductible or self-insured retention.
 - (5) The insurance coverage specified are minimum requirements, and these requirements do not lessen or limit the liability of the CSO.
 - (6) The CSO shall maintain, at its own expense, any additional kinds of amounts of insurance that it may deem necessary to cover its obligations and liabilities under the permit.

§23-6-35. Proof of Insurance. (a) The CSO may not commence services or work relating to the permit prior to placement of coverage.

(b) The CSO certifies that the certificate of insurance complies with all insurance requirements. The City requests that the City's permit number be referenced on the certificate.

(c) The City's acceptance of a certificate of insurance or proof of insurance that does not comply with all insurance requirements set forth in this permit agreement shall not act as a waiver of the CSO's breach of the permit or of any of the City's rights or remedies under the permit.

(d) The City's Department of Budget and Fiscal Service's Risk Management Officer may require additional proof of insurance, including but not limited to policies and endorsements.

§23-6-36. Additional Insured. For Commercial General Liability and Auto Liability, CSO's insured(s) shall name the City and County of Honolulu as the additional insured.

§23-6-37. Waiver of Subrogation. For all coverage, CSO's insurer shall waive subrogation rights against the City.

§23-6-38. Subcontractors and Subconsultants. (a) All subcontractors and subconsultants (including independent CSO's, suppliers and entities supplying goods or services required by the permit) shall be subject to all of the requirements herein and shall procure and maintain the same coverage required of the CSO.

(b) The CSO shall include all such subcontractors as additional insured under its policies (with the exception of Worker's Compensation) or shall ensure that all such subcontractors and subconsultants maintain the required coverage. The CSO agrees to provide proof of insurance for all such subcontractors and subconsultants upon request by the city.

§23-6-39. Workers Compensation/Liability Insurance. (a) The CSO shall maintain the coverage as required by statute for each work location and shall maintain Employee's liability insurance with limits of not less than \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily injury claim caused by disease claim, and \$500,000 aggregate for all bodily injury claim caused by disease claims.

(b) The CSO expressly represents the City, as a material representation upon which the City is relying in entering into the permit that none of the CSO's officers and employees who may be eligible under any statute or law to reject Worker's Compensation Insurance shall effect such rejection during any part of the term of the permit, and that such rejections previously effected, have been revoked as of the date the CSO executes the permit.

§23-6-40. Commercial General Liability Insurance. The CSO shall maintain a Commercial General Liability insurance coverage with limits of not less than \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate.

§23-6-41. Business Auto Liability Insurance. The CSO shall maintain business auto liability coverage with a combined single liability limit of not less than \$1,000,000 applicable to all owned, hired and non-owned vehicles used in performing services under the permit.

§23-6-42. Additional provisions. (a) For Commercial General Liability, the policy must provide the following:

- (1) That the permit is an Insured Contract under the policy;
 - A. Defense costs are in excess of policy limits;
 - i. Severability of interests or separation of insured's provision (no insured vs. insured exclusion); and

- ii. A provision that coverage is primary and non-contributory with other coverage or self-insurance maintained by the city.

(b) For claims made coverage, if approved by the City Risk Management Officer, the retroactive date must be on or before the contract date or the first date when any goods or services were provided to the City, whichever is earlier.

(c) The CSO shall advise the City in the event any general aggregate or other aggregate limits are reduced below the required per occurrence limits. At their own expense, and where such general aggregate or other aggregate limits have been reduced below the required per occurrence limit, the CSO will procure such per occurrence limits and furnish a new certificate of insurance showing such coverage is in force.

(d) The Director automatically revokes the permit without further action if this insurance is permitted to lapse, is cancelled, or for any other reason becomes inoperative.

SUBCHAPTER 9

CAR-SHARING PROGRAM ENFORCEMENT AND REVOCATION

§23-6-43. Enforcement and Towing.

(a) If any CSO is found to be in violation of the ROH Ordinance 15-35, these rules, or any law or regulation applicable to the CSO's use of City-owned parking facilities or City roadways and rights-of-way, the Director may revoke any Reserved Parking Stall Permits or Meter Parking Decals issued to that CSO, and may refuse to issue any Reserved Parking Stall Permits or Meter Parking Decals to the CSO.

(d) All CSO(s) shall operate and utilize parking within the City right-of-way and City-controlled public off-street parking facilities in compliance with all other applicable federal, state, and City laws and regulations.

(e) The following are restricted activities:

- (1) CSOs may not use any City-owned parking stall to advertise or post advertisements or for any commercial activity other than the parking and pick-up of the authorized vehicle.
- (2) Car-sharing fleet vehicles shall be prohibited from parking in an on-street or off-street public parking stall reserved for persons with a disability under Chapter 291, HRS, unless the member of the CSO car-sharing program meets the criteria for special parking privileges stated under Chapter 291, HRS and

the disabled parking permit is displayed as described in Section 291-54 HRS, for the duration of time the car-sharing fleet vehicle is parked within the parking space or stall reserved for a person with a disability under Chapter 291-55, HRS.

- (3) No CSO shall wash, rinse, clean, wax, grease, maintain (including oil change) or repair any vehicle while the vehicle is parked in a City-owned parking stall, except for repairs necessitated by an emergency.
- (4) Except for authorized vehicles in Reserved Parking Stalls or as otherwise allowed by law, no CSO fleet vehicle shall be parked in the same location upon a City street or in a City-controlled public off-street parking facility for more than twenty-four hours in accordance with ROH Section 15-16.8.

SUBCHAPTER 10

DEPOSIT AND USE OF REVENUES

§23-6-44. Deposit and use of revenues. The funds collected from car-sharing organizations purchasing stickers or decals shall be deposited into the highway fund created by HRS chapter 249, as amended and shall be used pursuant to Section 15-23.10, unless otherwise required by law.

SUBCHAPTER 11

PUBLIC INFORMATION

§23-6-04. Methods whereby the public may obtain information. The public may obtain information as to matters within the jurisdiction of the DTS by inquiring at: (a) The Office of the City Clerk, City Hall, where all rules of DTS are on file.

(b) The Administrative Office of the DTS, Fasi Municipal Building 3rd Floor, 650 S. King Street, Honolulu, Hawaii 96813.

(c) The DTS website: www.honolulu.gov/dts/default.html [Eff: 2/17/04; am _____] (Auth: RCH §4-105(4), ROH §13-4.6)

§23-6-05. Submittals or requests for information. Inquiry may be made in person, telephone (808) 768-8300, Monday through Friday, 7:45 a.m. to 4:00 p.m. excluding holidays or by submitting a written request for information to the

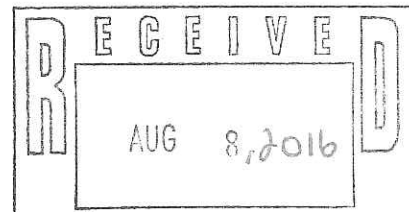
Director, Department of Transportation Services, Fasi Municipal Building 3rd
Floor, 650 South King Street, Honolulu, Hawaii 96813. [Eff: 2/17/04;
am _____] (Auth: RCH §4-105(4), ROH §13-4.6)

§23-6-06. Information- public transit supportive services. Information concerning the car-sharing program can be obtained by calling 768-8305, Monday through Friday, 7:45 a.m. to 4:30 p.m., excluding holidays. [Eff.] Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91.2)

Exhibit 4

PROPOSED
TITLE 23
DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
CHAPTER 6
PUBLIC TRANSIT SUPPORTIVE SERVICES
CAR-SHARING PROGRAM

JULY 2016
(Most recent version)



TITLE 23

**DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII**

CHAPTER 6

**PUBLIC TRANSIT SUPPORTIVE SERVICES – CAR-SHARING
PROGRAM**

Subchapter 1 General Provisions

- §23-6-01 Authority
- §23-6-02 Purpose
- §23-6-03 Definitions

Subchapter 2 Reserved Car-Sharing Parking Stalls Program

- §23-6-04 Reserved parking stalls
- §23-6-05 Parking applicability
- §23-6-06 Application required
- §23-6-07 Application Review Process
- §23-6-08 Reserved parking stall annual fee
- §23-6-09 Reserved parking stall permits and stickers not transferable
- §23-6-10 Failure to pay annual fee
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Subchapter 3 Car-Sharing Meter Parking Decals Program

- §23-6-14 Meter parking decals
- §23-6-15 Parking applicability
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- §23-6-18 Meter parking decal annual fee
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- §23-6-20 Failure to pay annual fee or pick up decal
- §23-6-21 Meter parking decal renewal
- §23-6-22 Decal display required

Subchapter 4 Car-Sharing Organization Program Reporting Requirements

§23-6-23 Car-sharing organization reporting requirements

Subchapter 5 Car-sharing Organization's Responsibilities

§23-6-24 Car-sharing organization's responsibilities

Subchapter 6 Insurance Requirements

§23-6-25 Insurance requirements

§23-6-26 Proof of insurance

§23-6-27 Additional insured

§23-6-28 Waiver of subrogation

§23-6-29 Subcontractors and subconsultants

§23-6-30 Worker's compensation/liability insurance

§23-6-31 Commercial general liability insurance

§23-6-32 Business auto liability insurance

§23-6-33 Additional provisions

Subchapter 7 Car-Sharing Program Enforcement and Revocation

§23-6-34 Enforcement and Towing

Subchapter 8 Deposit and Use of Revenues

§23-6-35 Deposit and use of revenues

Subchapter 9 Public Information

§23-6-36 Methods whereby the public may obtain information

§23-6-37 Submittals or requests for information

§23-6-38 Information – public transit supportive services

Subchapter 1

General Provisions

§23-6-1 Authority. Pursuant to and by virtue of the authority set forth in Section 6-1703(d) of the Revised Charter of the City and County of Honolulu 1973 (2000 Ed.) (RCH), Ordinance 15-35, and Chapter 91 of the Hawaii Revised Statutes (HRS), these Rules and Regulations relating to use of City-owned parking stalls by car-sharing organizations are hereby established. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: RCH §6-1703(d), Ord. 15-35)

§23-6-2 Purpose. The purpose of this chapter is to establish a program in connection with the public transit system which serves the public purpose of improving the mobility of Honolulu residents, reducing traffic congestion, and enabling additional transportation options, by providing support and regulation to car-sharing organizations. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: RCH §6-1703(d), Ord. 15-35)

§23-6-3 Definitions. The following definitions shall apply to the provisions contained in these rules and regulations:

- (a) “Meter Parking Decal” is a decal that is affixed to a vehicle in a CSO’s fleet that is effective for a period of one calendar year for the use of unreserved on- and off-street City-owned public metered parking stalls with parking time limits designated by official signs established under Section 15-16.1, ROH beyond one hour.
- (b) “Meter Parking Decal Fee” is a fee assessed once a year for one calendar year or prorated for less than one full calendar year for CSOs requesting a car-share meter parking decal issued to the organization for each vehicle in its fleet that will be allowed to park in City-owned metered parking stalls with parking time limits designated by official signs established under Section 15-16.1, ROH, longer than one hour.
- (c) “Car-Sharing Organization” or “CSO”, is a rental motor vehicle lessor that operates a membership program in accordance with Section 251-1, HRS.
- (d) “City” is the City and County of Honolulu.
- (e) “City-controlled public off-street parking facilities” are parking lots or garages established pursuant to ROH Sections 15-23.1 and 15-23.2 that are owned and managed by the City.

§23-6-3

- (f) "Council" is the Honolulu City Council.
- (g) "DTS" is the Department of Transportation Services, City and County of Honolulu.
- (h) "Director" is the Director of DTS or, in appropriate cases, the Director's designee.
- (i) "HRS" is the Hawaii Revised Statutes.
- (j) "On-street metered parking stalls" are marked parking spaces located in a designated parking meter zone, established pursuant to ROH Section 15-22.2.
- (k) "Permittee" is a CSO to which the City has issued a Reserved Parking Stall Permit or a Meter Parking Decal pursuant to this article.
- (l) "Random Drawing" is a method for selection of a CSO if there is more than one CSO interested in the same Reserved Parking Stall. The Director shall assign numbers to each CSO applying for the same stall and place the numbers in a box and randomly draw the number of the CSO that shall receive the Reserved Parking Stall Permit and Sticker.
- (m) "Reserved Parking Stall" is a marked and designated parking stall in a City-controlled public off-street parking facility, reserved for use only by a designated CSO, specified fleet vehicles, and its members, in accordance with the provisions set forth herein.
- (n) "Reserved Parking Stall Permit" is a permit for exclusive use of a Reserved Parking Stall by a CSO, specified fleet vehicles, and its members.
- (o) "Reserved Parking Stall Sticker" is a sticker, purchased by a CSO, that must be affixed to each vehicle in the CSO's fleet that is authorized to park in a specified Reserved Parking Stall assigned to the CSO.
- (p) "UIPA" is the Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statutes.
- (q) "ROH" is the Revised Ordinances of Honolulu of the City and County of Honolulu. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: RCH §6-1703(d), Ord. 15-35)

Subchapter 2

Reserved Car-Sharing Parking Stalls Program

§23-6-4 Reserved Parking Stalls. The Director shall make available Reserved Parking Stalls to interested CSO(s).

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

§23-6-5 Parking applicability. (a) Only vehicles displaying valid Reserved Parking Stall Stickers may park in a Reserved Parking Stall.

(b) The CSO will install signage and markings in accordance with standards provided by DTS to designate the Reserved Parking Stall for “Car Share Vehicles Only” and to identify the CSO that is permitted to use the stall.

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

§23-6-6 Application required. (a) The Director shall provide notice that Reserved Parking Stalls are available and that DTS is accepting applications for Reserved Parking Stall Permits by posting an announcement on DTS’ website that will indicate the date and time by which applications for Reserved Parking Stall Permits must be submitted.

(b) Any CSO desiring a Reserved Parking Stall Permit shall file an application on forms provided by the Director.

(c) Applications shall be accepted during periods announced by the Director in accordance with subsection (a).

(d) Information to be provided with the application shall include, but not be limited to:

- (1) The CSO applicant’s name, mailing address, email address, contact person, phone number, and general excise tax number.
- (2) A Certificate of Good Standing issued by the Hawaii Department of Commerce and Consumer Affairs, within two (2) months of the application.
- (3) Insurance certificates for the CSO.
- (4) Proof of the CSO’s registration with the Hawaii Department of Taxation pursuant to Section 251-3(a), HRS.
- (5) Identification, including a map, of desired Reserved Parking Stall locations.
- (6) A summary report of the CSO’s outreach to the applicable neighborhood board(s).
- (7) A cleanliness plan for the Reserved Parking Stall.

(e) Upon filing, the application shall be date-stamped and time-stamped.

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

§23-6-7

§23-6-7 Application review process. Upon receipt, the Director shall review applications according to the following:

- (1) The application shall be reviewed for completeness and consistency with the goals of Ordinance 15-35, and ability to increase multimodal options for Honolulu residents, while considering the need for public parking.
- (2) The Director shall evaluate whether the parking stall(s) requested in the application are suitable for designation and use as Reserved Parking Stalls.
- (3) If two or more CSOs request the same Reserved Parking Stall, and they cannot all be accommodated, the determination shall be made by Random Drawing.
- (4) CSOs that are selected and awarded a Reserved Parking Stall Permit will be notified in writing.
- (5) The approved application, along with the written notification, shall serve as the Reserved Parking Stall Permit and shall set forth the terms and conditions for the exclusive use of the Reserved Parking Stall(s). [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-8 Reserved parking stall annual fee. (a) A CSO that has been awarded a Reserved Parking Stall Permit shall not be entitled to use the Reserved Parking Stall until it has paid an annual fee.

(b) The annual fee shall be one thousand five hundred dollars (\$1,500.00), payable to the "City and County of Honolulu" and delivered to the Director.

(c) The CSO shall have exclusive use of the Reserved Parking Stall from January 1 to December 31 of the calendar year to which the annual fee applies. The Director shall have the authority to prorate the annual fee if the Reserved Parking Stall Permit is issued after January 31. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-9 Reserved parking stall permits and stickers not transferable. Reserved Parking Stall Permits and Stickers are valid only for the specific Reserved Parking Stalls and vehicles for which they are issued, and they are not transferable or assignable without the consent of the Director. Reserved Parking Stall Stickers are valid for any Reserved Parking Stall for which a CSO has a valid Permit.

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

§23-6-10 Failure to pay annual fee. If a CSO fails to pay the annual fee within sixty (60) working days after DTS sends the CSO written notice that its application has been approved, the Reserved Parking Stall Permit shall be cancelled and the CSO shall forfeit the Reserved Parking Stall.

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

§23-6-11 Reserved parking stall permit renewal. (a) Applications to renew Reserved Parking Stall Permits shall be filed by December 1 prior to expiration of the Reserved Parking Stall Permit.

(b) CSO(s) may apply annually to renew a Reserved Parking Stall Permit for three consecutive years beyond the first year. The application for renewal shall contain the same information required by Section 23-6-6 above.

(c) For each renewal, the CSO must pay the annual fee and purchase new Reserved Parking Stall Stickers for each vehicle that will be allowed to use the Reserved Parking Stall pursuant to Section 23-6-12.

(d) If, by the date set forth in (a) above, a Reserved Parking Stall Permittee does not submit an application to renew a Reserved Parking Stall Permit that is eligible for renewal, the Reserved Parking Stall Permit shall expire on December 31 and the Reserved Parking Stall may be made available to another CSO, or may revert back to its original use. [Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-12 Reserved parking stall stickers. (a) Reserved Parking Stall Stickers may be issued to Reserved Parking Stall Permittees, for specified vehicles that will be allowed to use the Reserved Parking Stall.

(b) The cost of a Sticker shall be twenty dollars (\$20.00) payable to the "City and County of Honolulu" and delivered to the Director.

(c) Reserved Parking Stall Stickers shall be effective for a calendar year, state the date of expiration, be uniquely numbered, and be displayed on a vehicle inside the lower portion of the windshield on the driver's side of the vehicle.

(d) Any vehicle parked in a Reserved Parking Stall must display a Reserved Parking Stall Sticker valid for that stall.

(e) If a Reserved Parking Stall Sticker is mutilated, defaced, or lost, a replacement may be issued for a replacement fee of twenty dollars (\$20.00) payable to the "City and County of Honolulu" and delivered to the Director.

§23-6-12

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

§23-6-13 Removal and relocation of reserved parking stalls. (a) Reserved Parking Stalls may be removed or relocated with 30 days' notice at the discretion of the Director.

(b) If a Reserved Parking Stall must be removed while it is reserved to a CSO under a Reserved Parking Stall Permit, the City will refund a prorated amount to the CSO, or the Director and the CSO may find a suitable alternative Reserved Parking Stall.

(c) If a Reserved Parking Stall must be temporarily relocated due to a construction or maintenance project, the Director will work with the Reserved Parking Stall Permittee to find a temporary alternative location.

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

Subchapter 3

Car-Sharing Meter Parking Decals Program

§23-6-14 Meter Parking Decals. The Director may issue Meter Parking Decals to interested CSOs. [Eff] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

§23-6-15 Parking applicability. (a) Vehicles displaying valid Meter Parking Decals may park in metered parking stalls, in the City's right-of-way and in City-controlled public off-street parking facilities, which allow for parking longer than one hour:

- (1) Without paying meter fees; and
- (2) For up to twenty-four (24) hours.

(b) Meter Parking Decals shall only excuse the CSO, with respect to the subject vehicle, from applicable parking meter fees and associated time limits at locations and during times where public parking is otherwise allowed; it does not excuse the CSO from compliance with the Traffic Code (ROH Chapter 15) and all other laws governing vehicles, parking, and the use of City roadways and rights-of-way, nor does it allow the vehicle to park in locations or at times where parking by the general public is prohibited.

(c) Meter Parking Decals shall not be effective for any metered parking stalls that have been rendered unavailable for parking by law, such as during a parade or special event, or due to construction activity, or pursuant to ROH Sections 15-13.12, 15-14.8, and 15-22.8. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

§23-6-16 Application required. (a) The Director shall provide notice that Meter Parking Decals are available and that DTS is accepting applications for Meter Parking Decals by posting an announcement on DTS' website indicating the date and time by which applications for Meter Parking Decals must be submitted.

(b) Any CSO wishing to purchase a Meter Parking Decal shall submit an application on a form provided by the Director.

(c) Applications shall be accepted during periods announced by the Director in accordance with subsection (a).

(d) Information to be provided with the application shall include, but not be limited to:

- (1) The CSO applicant's name, mailing address, email address, contact person, phone number, and tax number.
- (2) A Certificate of Good Standing issued by the Hawaii Department of Commerce and Consumer Affairs within two (2) months of the application.
- (3) Insurance certificates for the CSO.
- (4) Proof of the CSO's registration with the Hawaii Department of Taxation pursuant to HRS Section 215-3(a).
- (5) The CSO's proposed geographical service area boundaries for vehicles with Meter Parking Decals.
- (6) Number of decals requested.
- (7) A summary report of the CSO's outreach to the applicable neighborhood board(s).
- (8) Summary of qualifications for economic viability, including an overview of the CSO's operational history, experience in providing car-sharing services to customers, and a list of existing project examples similar to Honolulu.

(e) Upon filing, the application shall be date-stamped and time-stamped. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

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§23-6-17 Application review process. (a) The Director shall issue Meter Parking Decals based on a review of the applications received, according to the following:

- (1) The application shall be reviewed for completeness and consistency with the goals of the Ordinance 15-35, and ability to increase multimodal options for Honolulu residents, while considering the need for public parking.
- (2) Favorable consideration shall be given to CSOs implementing a larger and more diverse geographic service area.
- (3) CSOs that are selected and awarded Meter Parking Decals will be notified in writing. The approved application, together with the written notification shall set forth the terms and conditions for the use of the Meter Parking Decals. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

§23-6-18 Meter parking decal annual fee. (a) To obtain a Meter Parking Decal, the approved CSO shall pay an annual fee of one thousand five-hundred and twenty dollars (\$1,520.00), payable to the "City and County of Honolulu" and delivered to the Director.

(b) The Meter Parking Decal shall be valid from January 1 to December 31 of the year to which the annual fee applies.

(c) The Director may prorate the annual fee for Meter Parking Decals issued for less than a full year. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

§23-6-19 Meter parking decal not transferable. Each Meter Parking Decal is valid only for the specific vehicle for which it is issued and is not assignable or transferable without the consent of the Director.

[Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

§23-6-20 Failure to pay annual fee or pick up decal. If an applicant fails to pay the annual fee and pick up the Meter Parking Decal(s) within sixty (60) working days after DTS has sent the CSO written notice that its application has been approved, the approval shall be cancelled and the CSO shall forfeit the Meter Parking Decal(s). [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

§23-6-21 Meter parking decal renewal. (a) Applications to renew the Meter Parking Decals shall be filed by December 1 prior to the expiration of the Meter Parking Decal.

(b) CSO(s) may apply annually to renew Meter Parking Decals for three consecutive years beyond the first year. The application for renewal shall contain the same information required by the Section 23-6-16 above.

(c) For each renewal, the CSO must pay the annual fee for each Meter Parking Decal renewed.

(d) If, by the date set forth in (a) above, a Meter Parking Decal Permittee does not submit an application to renew a Meter Parking Decal that is eligible for renewal, the Meter Parking Decal shall expire on December 31.

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

§23-6-22 Decal display required. (a) Meter Parking Decals shall be displayed on the vehicle for which the Meter Parking Decal has been issued, inside the lower portion of the windshield on the driver's side of the vehicle. Meter Parking Decals will be effective for a calendar year, state the date of expiration, and be uniquely numbered.

(b) If a Meter Parking Decal is mutilated, defaced, or lost, a replacement may be issued for a replacement fee of twenty dollars (\$20.00), payable to the "City and County of Honolulu" and delivered to the Director.

[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d)) (Imp: Ord. 15-35)

Subchapter 4

Car-Sharing Organization Program Reporting Requirements

§23-6-23 Car-Sharing Organization Reporting Requirements. (a) A CSO that is assigned one or more Reserved Parking Stall Permits or Meter Parking Decals shall survey their members initially upon sign up and annually thereafter.

(b) CSOs must provide a written report to the Director, no later than 90 days after the end of the calendar year. The annual report shall include the following information for the preceding calendar year:

- (1) The number of Metered Parking Decals issued to the CSO;

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- (2) The difference between the fee assessed for the Meter Parking Decal and actual usage of metered parking stalls;
- (3) Descriptive data about how often car-sharing vehicles are rented versus parked, peak use periods, and how and when vehicles tend to be distributed in certain areas of the City;
- (4) General information regarding fleet and membership:
 - (A) Number of vehicles in fleet
 - (B) Location of vehicles (both on- and off-street)
 - (C) Fleet Usage
 - (D) Total number of members
 - (E) Member survey and demographics, and;
- (5) Any other pertinent information requested by the Director or required by law.

(c) Within sixty (60) days after the end of the calendar year, the CSO must provide data showing actual usage of metered parking stalls by each vehicle for which a Metered Parking Decal was issued during the preceding calendar year. In the event the total actual usage of metered parking stalls by the vehicle, as determined by the City, exceeds the Meter Parking Decal annual fee, the CSO shall reimburse the City for the difference no later than March 31 of each year.

(d) Information submitted to the City is subject to the UIPA, HRS Chapter 92F. If the CSO believes that any materials it submits constitute trade secrets, privileged information, or confidential commercial information or financial data, then the CSO shall mark those items as confidential or proprietary.

(e) The City is not bound by the CSO's determination as to whether materials are subject to disclosure under the UIPA, and reserves the right to independently determine whether the materials are required to be made available for inspection or otherwise produced under the UIPA.

(f) If the City receives a request, subpoena, court order, or other legal authority, for such information marked as confidential, or if legal action or process is initiated for such information, the City will notify the CSO and comply with its disclosure requirements. The CSO shall be responsible for taking appropriate action to defend against disclosure of its confidential information, and will indemnify and hold the City harmless from any costs or liability resulting from any UIPA litigation. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

Subchapter 5

Car-Sharing Organization's Responsibilities

§23-6-24 Car-sharing organization's responsibilities. (a) The CSO shall be responsible for the following:

- (1) Each CSO fleet vehicle that is assigned a Reserved Parking Stall Sticker or a Meter Parking Decal must be:
 - (A) Owned by the CSO or a parent company.
 - (B) Registered with the City and County of Honolulu, Department of Customer Services, Motor Vehicles Registration Division, and proof of such registration shall be provided to the Director before any Reserved Parking Stall Sticker or Meter Parking Decal may be issued for that vehicle.
 - (C) Clearly identified as a car-sharing vehicle by the CSO's company logo or name affixed to a publicly visible area of the vehicle's exterior.
- (2) CSOs must resolve all the parking citations, fines, and charges associated with its fleet before it can apply for any Reserved Parking Stall Permit or Meter Parking Decal, whether initially or as a renewal. A CSO's application may be disqualified if the CSO fails to resolve all parking citations, fines, and charges before the initial or renewal application deadline.
- (3) Any advertisement or publication referencing the City's participation in car share program operations must have the City's prior written approval.
- (4) CSO Permittees shall indemnify, defend and hold harmless the City, its officers, agents and employees from any and all claims, demands, and actions for personal injury or property damage, including attorney's fees and costs, which may result from the CSO's activities or its use of City-owned parking stalls.
- (5) CSO shall keep the parking stalls that it utilizes in a safe, clean and orderly condition. Failure to do so will result in the revocation of any Reserved Parking Stall Permits or Meter Parking Decals issued to the CSO. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

Subchapter 6

Insurance Requirements

§23-6-25 Insurance requirements. (a) General conditions. The CSO agrees to secure, at or before the time of the execution of the permit, the following insurance covering all operations, goods, and services provided pursuant to the permit.

(b) The CSO(s) shall keep the required insurance coverage in force at all times during the term of the permit and any extension.

(c) The required insurance coverages shall be written on occurrence forms, unless specifically approved by the City.

(d) The required insurance shall be underwritten by an insurer licensed and authorized to do business in the state of Hawaii and rated by A.M. Best Company as "A-VIII" or better, or provided by CSO as a self-insurer.

(d) The insurance coverage shall contain a valid provision or endorsement requiring notification to the City in the event any of the required policies be cancelled or non-renewed before the expiration date.

(e) The written notice shall be sent to the parties identified above and shall reference the permit number.

- (1) The notice shall be sent thirty (30) prior to such cancellation or non-renewal unless due to non-payment of premiums for which notice shall be sent ten (10) days prior.
- (2) If such written notice is unavailable from the insurer, CSO shall provide written notice of cancellation, non-renewal and any reduction in coverage to the parties identified in the Notices section by certified mail, return receipt requested within three (3) business days of such notice by its insurer(s) and referencing the City's permit number.
- (3) The CSO shall be responsible for the payment of any deductible or self-insured retention.
- (4) The insurance coverage specified are minimum requirements, and these requirements do not lessen or limit the liability of the CSO.
- (5) The CSO shall maintain, at its own expense, any additional kinds of amounts of insurance that it may deem necessary to cover its obligations and liabilities under the permit.

[Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-26 Proof of insurance. (a) The CSO may not commence services or work relating to the permit prior to placement of coverage.

(b) The CSO shall provide certificates of insurance evidencing compliance with all insurance requirements herein. The permit number should be referenced on the certificate.

(c) The City's acceptance of a certificate of insurance or proof of insurance that does not comply with all insurance requirements set forth in this permit agreement shall not act as a waiver of the CSO's breach of the permit or of any of the City's rights or remedies under the permit.

(d) The City's Department of Budget and Fiscal Service's Risk Management Officer may require additional proof of insurance, including but not limited to policies and endorsements. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-27 Additional insured. For Commercial General Liability, CSO's insured(s) shall name the City and County of Honolulu as the additional insured. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-28 Waiver of subrogation. For all coverage, CSO's insurer shall waive subrogation rights against the City. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-29 Subcontractors and subconsultants. (a) All subcontractors and subconsultants (including independent CSO's, suppliers and entities supplying goods or services required by the permit) shall be subject to all of the requirements herein and shall procure and maintain the same coverage required of the CSO.

(b) The CSO shall include all such subcontractors as additional insured under its policies (with the exception of Worker's Compensation) or shall ensure that all such subcontractors and subconsultants maintain the required coverage. The CSO agrees to provide proof of insurance for all such subcontractors and subconsultants upon request by the City. [Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-30 Workers compensation/liability insurance. The CSO shall maintain the coverage as required by statute for each work location and shall maintain Employee's liability insurance with limits of not less than \$100,000 per occurrence for each bodily injury claim, \$100,000 per occurrence for each bodily

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injury claim caused by disease claim, and \$500,000 aggregate for all bodily injury claim caused by disease claims. [Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-31 Commercial general liability insurance. The CSO shall maintain Commercial General Liability insurance coverage with limits of not less than \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. [Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-32 Business auto liability insurance. The CSO shall maintain business auto liability coverage with a combined single liability limit of not less than \$1,000,000 applicable to all owned, hired and non-owned vehicles used in performing services under the permit. [Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

§23-6-33 Additional provisions. (a) For Commercial General Liability, the policy must provide the following:

- (1) That the permit is an Insured Contract under the policy.
- (2) A provision that coverage is primary and non-contributory with other coverage or self-insurance maintained by the city.

(b) For claims made coverage, if approved by the City Risk Management Officer, the retroactive date must be on or before the contract date or the first date when any goods or services were provided to the City, whichever is earlier.

(c) The Director may automatically revoke any Reserved Parking Stall Permit or Meter Parking Decal without further action if this insurance is permitted to lapse, is cancelled, or for any other reason becomes inoperative. [Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

Subchapter 7

Car-Sharing Program Enforcement and Revocation

§23-6-34 Enforcement and Towing. (a) If any CSO is found to be in violation of the ROH Ordinance 15-35, these rules, or any law or regulation applicable to the CSO's use of City-owned parking facilities or City roadways and rights-of-way, the Director may revoke any Reserved Parking Stall Permits or

Meter Parking Decals issued to that CSO, and may refuse to issue any Reserved Parking Stall Permits or Meter Parking Decals to the CSO.

(b) All CSOs shall operate and utilize parking within the City right-of-way and City-controlled public off-street parking facilities in compliance with all other applicable federal, state, and City laws and regulations.

(c) The following are restricted activities:

- (1) CSOs may not use any City-owned parking stall to advertise or post advertisements or for any commercial activity other than the parking and pick-up of the authorized vehicle.
- (2) Car-sharing fleet vehicles shall be prohibited from parking in an on-street or off-street public parking stall reserved for persons with a disability under Chapter 291, HRS, unless the member of the CSO car-sharing program meets the criteria for special parking privileges stated under Chapter 291, HRS and the disabled parking permit is displayed as described in Section 291-54 HRS, for the duration of time the car-sharing fleet vehicle is parked within the parking space or stall reserved for a person with a disability under Chapter 291-55, HRS.
- (3) No CSO shall wash, rinse, clean, wax, grease, maintain (including oil change) or repair any vehicle while the vehicle is parked in a City-owned parking stall, except for repairs necessitated by an emergency and when wiping down vehicles using a waterless method that does not cause contamination or damage to the stall or surrounding areas.
- (4) Except for authorized vehicles in Reserved Parking Stalls or as otherwise allowed by law, no CSO fleet vehicle shall be parked in the same location upon a City street or in a City-controlled public off-street parking facility for more than twenty-four hours in accordance with ROH Section 15-16.8.
[Eff _____] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35) (Imp: Ord. 15-35)

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Subchapter 8

Deposit and Use of Revenues

§23-6-35 Deposit and use of revenues. The funds collected from CSOs purchasing Reserved Parking Stall Stickers or Meter Parking Decals shall be deposited into the highway fund created by HRS chapter 249, as amended and shall be used pursuant to Section 15-22.10, unless otherwise required by law.
[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), Ord. 15-35)
(Imp: Ord. 15-35)

Subchapter 9

Public Information

§23-6-36 Methods whereby the public may obtain information. The public may obtain information as to matters within the jurisdiction of the DTS by inquiring at: (a) The Office of the City Clerk, City Hall, where all rules of DTS are on file.

(b) The Administrative Office of the DTS, Fasi Municipal Building 3rd Floor, 650 S. King Street, Honolulu, Hawaii 96813.

(c) The DTS website: www.honolulu.gov/dts/default.html [Eff:
] (Auth: RCH §§ 4-105.4, 6-1703(d), HRS §91-2) (Imp: HRS §91-2)

§23-6-37 Submittals or requests for information. Inquiries may be made in person, by telephone at (808) 768-8300, Monday through Friday, 7:45 a.m. to 4:30 p.m. excluding holidays or by submitting a written request for information to the Director, Department of Transportation Services, Fasi Municipal Building 3rd Floor, 650 South King Street, Honolulu, Hawaii 96813. [Eff: 2/17/04;
am] (Auth: RCH §§ 4-105.4, 6-1703(d), HRS §91-2) (Imp:
HRS §91-2)

§23-6-38 Information - public transit supportive services. Information concerning the car-sharing program can be obtained by calling 768-8305, Monday through Friday, 7:45 a.m. to 4:30 p.m., excluding holidays.
[Eff] (Auth: RCH §§ 4-105.4, 6-1703(d), HRS §91-2)
(Imp: HRS §91.2)

DEPARTMENT OF TRANSPORTATION SERVICES

Chapter 23-6, Rules and Regulations relating to the Public Transit Supportive Services – Car Sharing Program for the Department of Transportation Services, City and County of Honolulu, was adopted on _____, 2016, following a public hearing held on _____, at the Mission Memorial Building Hearing Room, 550 South King Street, Honolulu, after public notice was given in the Honolulu Star-Advertiser on _____ and _____.

These rules shall take effect ten (10) days after filing with the Office of the City Clerk.

MICHAEL D. FORMBY, Director
Department of Transportation Services

APPROVED this ____ day of _____

KIRK CALDWELL, Mayor
City and County of Honolulu

APPROVED AS TO FORM
AND LEGALITY:

DEPUTY CORPORATION
COUNSEL

Received this _____ day of _____

GLEN TAKAHASHI
City Clerk

Effective Date of these Rules:

CERTIFICATION

I, MICHAEL D. FORMBY, in my capacity as Director of the Department of Transportation Services, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Rules and Regulations relating to the Public Transit Supportive Services – Car Sharing Program for the Department of Transportation Services, City and County of Honolulu, which were adopted on _____, 2016 following a public hearing held on _____, at the Mission Memorial Building Hearing Room, 550 South King Street, Honolulu, after public notice was given in the Honolulu Star-Advertiser on _____ and _____.

MICHAEL D. FORMBY, Director,
Department of Transportation Services

Received this ____ day of
_____, 2016