## HAWAII ADMINISTRATIVE RULES DIRECTORY

2001 Cumulative Edition

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#### **FOREWORD**

This edition of the Hawaii Administrative Rules Directory is a cumulative listing of all of the rules of Hawaii state government agencies filed with the Office of the Lieutenant Governor in the Hawaii Administrative Rules format prior to May 1, 2001. Prior versions of the Directory published in 1981, 1982, 1988, 1991, and the 1995 cumulative edition, and supplements published in 1989, 1990, 1993, 1994, and 1996 to 2000 are superseded. Copies of the Directory covering the period September 1, 1982 to August 31, 1983 should be retained for the Table of Disposition.

*Caveat:* This Directory contains no references to rules that have not been converted to the Hawaii Administrative Rules format, or that are exempt from the Hawaii Administrative Procedure Act.

This publication was made possible to a substantial degree by the exhaustive efforts of various student employees of the Bureau who worked diligently on previous editions of the Directory. They are Mr. Willis Oshiro and Mr. Richard Lightner (1988 cumulative edition), Mr. Paul M. Saito (1989 supplement), Mr. Thomas S. Brennan (1990 supplement), Ms. Cynthia T. Tai (1991 cumulative edition), Ms. Jodi Kimura and Ms. Carlotta Diaz (1993 supplement), Ms. Lynn K. Kashiwabara (1994 supplement), Ms. Allison S.Y. Chang and Ms. Cathleen S. Chang (1995 cumulative edition), Mr. Eric Tashima (1996 supplement), Mr. Joseph Kernan (1997 supplement), and the staff of the Bureau's Systems Office. They served under the able direction and guidance of Assistant Director for Research Ken H. Takayama.

The Bureau also extends its sincere appreciation to Dr. Maria Chun of the Office of the Lieutenant Governor for her assistance.

Wendell K. Kimura Acting Director

September 2001

#### FACT SHEET

## Hawaii Administrative Rules Directory 2001 Cumulative Edition

#### I. Highlights

This publication is a new cumulative edition of the Hawaii Administrative Rules Directory. It replaces the 1995 Cumulative Edition and all Supplements published from 1996 to 2000. The directory is a compilation of all of the section numbers and section headings of state administrative agency rules adopted in the Hawaii Administrative Rules format (the uniform format for all state agency rules). The directory thus serves as a detailed table of contents of the State's administrative rules.

Users who access this publication at the Legislative Reference Bureau's website <a href="www.state.hi.us/lrb/">www.state.hi.us/lrb/</a> (and clicking on to "lrb reports" and then "administrative rules directories and tables") will also have direct links to agency rules on the web.

### **II.** Frequently Asked Questions

1. Does this Directory list **all** state agency rules?

**Answer:** No. This directory lists only those rules that conform to the uniform format for state agency rules mandated by section 91-4.2, Hawaii Revised Statutes. A small number of rules may not have fully complied with this requirement. Further, an unknown number of state agency rules exist that are completely exempt from the requirements of the Hawaii Administrative Procedure Act (chapter 91, HRS).

2. Does the 2001 Cumulative Edition of the Directory indicate whether rules sections have been amended since any particular point in time?

**Answer:** No. The Directory is intended to serve as a table of contents for the State's administrative rules as they existed as of a particular point in time -- that is all. It does not purport to track the history of the respective rule sections. Historical information relating to each rule section is contained in the notes to that section.

3. Does this edition of the rules directory contain a Table of Statutory Sections Implemented?

**Answer:** No. For this year, the table is being published as a separate publication. The table provides a means of finding whether rules exist that implement or interpret sections of the state statutes.

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#### INTRODUCTION

This publication replaces the 1995 Cumulative Edition of the Hawaii Administrative Rules Directory and Supplements published from 1996 to 2000.

#### I. Background

Section 91-5, *Hawaii Revised Statutes*, required state agencies to publish their rules by June 21, 1981, in the format for administrative rules prescribed by the revisor of statutes. The purpose of the legislation which enacted this requirement was to replace the multiplicity of agency rule formats with a single uniform format for all state agency rules. Some rules may not have fully complied with this requirement. Other agency rules are completely exempt from the Hawaii Administrative Procedure Act (chapter 91, HRS). Accordingly, this directory includes only those rules filed with the lieutenant governor in the Hawaii Administrative Rules format.

#### II. Numbering System

The Hawaii Administrative Rules format prescribed by the revisor of statutes is substantially similar to the format used in the *Hawaii Revised Statutes*. Among other things, the format brings all agency rules adopted pursuant to the Hawaii Administrative Procedure Act into a single numbering system. The numbering system consists of a series of titles, with each title divided into chapters, and each chapter divided into sections. A title includes all of the rules of a particular department, and all other agencies attached to that department for administrative purposes.

#### **III.** Table of Sections Implemented

The table of sections implemented provides a means of finding whether rules exist which implement or interpret sections of the state statutes. This year, the table is published as a separate publication.

#### IV. Directory

The purpose of this administrative rules directory is to serve as a functional equivalent of a detailed table of contents. The directory is organized as follows:

(1) With the exception of the offices of the governor and lieutenant governor (which are listed first), legislative agencies, the judiciary, and the department of public safety (which are listed as titles 21, 22, and 23, respectively), the title numbers correspond to the listing in alphabetical order of the state departments as they existed in 1982. Departmental name changes which have occurred since that time

have resulted in the departments of business, economic development, and tourism, commerce and consumer affairs, human resources development, and human services being out of order alphabetically.

- (2) Each title begins with a title "analysis"--a listing, in numerical order, of all of the subtitles and parts (if any) and chapters contained within that title, and their respective headings.
- (3) Each title analysis is followed in turn by chapter analyses of each chapter contained in that title. A chapter analysis is a listing of all of the subchapter (if any) and section numbers and headings of the sections contained within that chapter.

Users must keep in mind that each title contains all of the rules of a particular department as well as the administrative agencies assigned by law to that department for administrative purposes. To assist users in finding the location of rules of particular agencies, a listing of selected agencies and the title in which their rules are located is included at the end of this introduction.

A person viewing a copy of the actual rules will find three informational notes Isted at the end of each section. The source note (material in brackets) gives historical information concerning that particular section. Abbreviations include "Eff" (date section originally became effective), "am" (date section was amended), "ren" (renumbered), "comp" (compiled--merging in amendments and other changes to notes without modifying text of section), and "R" (repealed). Citations of authority (material in parentheses beginning with "Auth:") indicate the state statutes, federal statutes, or federal rules which the adopting agency claims authorized the adoption of that particular section. The list of sections implemented (material in parentheses beginning with "Imp:") indicate the state statutes, federal statutes, federal rules, or other laws which the adopting agency claims the particular section to be implementing or interpreting.

Questions concerning the Directory or the Table may be addressed to Ken Takayama, Legislative Reference Bureau, State Capitol, Room 446, Honolulu, Hawaii 96813, phone 587-0666, fax 587-0681, e-mail takayama@capitol.hawaii.gov.

#### V. Citation

Rules may be cited as follows:

(1) When referring to a particular section:

(Section number), Hawaii Administrative Rules (agency name)

For example: 16-30-10, Hawaii Administrative Rules (Department of Commerce and Consumer Affairs)

#### (2) When referring to a chapter:

Chapter (title and chapter number), Hawaii Administrative Rules (agency name)

For example: Chapter 16-30, Hawaii Administrative Rules (Department of

Commerce and Consumer Affairs)

#### VI. Copies of Rules

The difference between a uniform format for rules and a codification (such as the Code of Federal Regulations) is that only in codifications is there central control over publication. Under the uniform format system adopted by the legislature, each agency retains almost complete control over its own rulemaking proceedings. While a collection of a number of state agency rules published in the uniform format might take on the <u>appearance</u> of a code, no such code exists. Accordingly, copies of agency rules must be obtained from the respective agencies. Persons seeking to establish collections of rules are advised to specifically request copies of rules in the "official" format (*i.e.*, on 8-1/2 x 11 inch paper, an exact replica of rules as filed with lieutenant governor). Agencies have been authorized to issue "unofficial" versions of rules which may differ from copies on file with the lieutenant governor in size of paper used, typesetting, the inclusion of relevant statutes or other materials, or any number of other modifications (although the actual text of the rules should not be modified in any way). All copies of rules distributed in other than the official format should be clearly marked "unofficial."

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#### VI. Rulemaking Proceedings

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## SELECTED AGENCIES ATTACHED TO DEPARTMENTS

	<u>Title</u>
Acupuncture, Board of	16
Aloha Tower Development Corporation	15
Architects, see Professional Engineers	
Audiology, see Speech Pathology	
Barbering and Cosmetology, Board of	16
Boxing Commission.	16
Campaign Spending Commission.	2
Chief Election Officer	2
Child Support Enforcement Agency	5
Chiropractic Examiners, Board of	16
Civil Rights Commission	12
Civil Service Commission, State	14
Contractors License Board	16
Cosmetology, Board of Barbering and	16
Crime Victim Compensation Commission	17
Defender Council	6
Dental Examiners, Board of	16
Detectives, see Private Detectives and Guards	
Disability and Communication Access Board	11
Drug Product Selection Board	11
Elections Officer, Chief	2
Electricians and Plumbers, Board of	16
Elevator Mechanics Board	16
Employees' Retirement System	6
Engineers, see Professional Engineers	
Ethics Commission	21
Fire Council, State	12
Hawaii Community Development Authority	15
Hawaii Historic Places Review Board	13
Hawaii Housing Authority, see Housing and Community Development Corporation	15
Hawaii Labor Relations Board	12
Hawaii Paroling Authority	23
Hawaii Public Broadcasting Authority	16
Hawaii Public Employees Health Fund	6
Hawaii Strategic Development Corporation	15
Hawaii Tourism Authority	15
Hawaiian Home Lands Trust Claim Review Panel	16
High Technology Development Corporation	15
Housing and Community Development Corporation	15

	<u>Title</u>
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#### TITLE 1

#### OFFICE OF THE GOVERNOR

http://swat.state.hi.us/govrules/GovernorRules.htm http://www.gov@gov.state.hi.us/

Subtitle 1 Office of State Planning Chapter

- 1 Repealed
- 2 Repealed

Subtitle 2 Executive Office on Aging Chapter

- 3 Repealed
- 4 Repealed

**Subtitle 1 Office of State Planning** 

Chapter 1
The Hawaii State Plan Policy Council
Rules of Practice and Procedure

**REPEALED** 

Chapter 2
Rules Governing Special Management
Areas and Shoreline Areas Within
Community Development Districts and
Practice and Procedures Before the Office
of State Planning

**REPEALED** 

**Subtitle 2 Executive Office on Aging** 

Chapter 3 Long-Term Care Service Development Fund

**REPEALED** 

Chapter 4
Renovation and Conversion of
Existing Facilities for Long-Term
Care Programs

**REPEALED** 

### TITLE 2

### OFFICE OF THE LIEUTENANT GOVERNOR

http://swat.state.hi.us/VRC.htm

Subtitle 1 Administration Chapter	}	Subtitle 1 Administration
<ol> <li>Rulemaking, Declaratory Rulings and Public Records and Information</li> <li>Change of Name</li> </ol>		Chapter 1 naking, Declaratory Rulings and blic Records and Information
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1 &	§2-1-2	
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Commission	§2-1-5	Public hearing for adoption, amendment or repeal of rules
Subtitle 3 Boards and Commissions	§2-1-6	Petition for declaratory rulings
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Chapter		
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35 Voting Systems	§2-2-2	Petition for change of name
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40 Repealed		and form of consent
50 Adoption, Amendment, or Repeal of	§2-2-4	Order of change of name
Rules by Chief Election Officer	§2-2-5	Procedure following approval by the
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	Repeal of Rules	§2-14.1-23	House bulletins
	•	§2-14.1-24	Legislative newsletters, reports,
	REPEALED		surveys, and polls
		§2-14.1-25	Code endorsement by
			candidates
	Chapter 14	§2-14.1-26	Complaints of violations;
1	Campaign Spending		administrative fines; referral
	Commission Rules	§2-14.1-27	Determination of complaint;
			summary dismissal
	REPEALED	§2-14.1-28	Determination of complaint;
			investigation
		§2-14.1-29	Determination of complaint;
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§2-14.1-3	Committee reports		dure Before the Campaign
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§2-14.1-9	Contributions by political		construction
	parties	§2-14.2-2	Definitions
§2-14.1-10	Contribution limits for special	§2-14.2-3	Commencement of proceedings
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§2-14.1-11	Contributions by state or county	§2-14.2-5	Individual representing party
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http://lilinote.k12.hi.us/PUBLIC/ADMINR1.NSF

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### TITLE 9

### OFFICE OF HAWAIIAN AFFAIRS

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### TITLE 10

### **DEPARTMENT OF HAWAIIAN HOME LANDS**

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<sup>\*</sup>Probably should be §13-255-2.

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### **TITLE 14**

# DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

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Subchapter 11 Bond §16-106-40 Plan manager's bond			]	Relat Prope	apter 107 ting to Horizontal rty Regimes,
\$16-106-40.1 \$16-106-41 \$16-106-42	Bene	uisition agent's bond eficiary of bond cellation of bond	Subchap	·	Iawaii Revised Statutes  General Provisions
Subchapte	er 12	County Zoning Regulations	§16-107-1 §16-107-2		ective nitions
§16-106-45		lence of compliance with unty regulation required	Subchap	ter 2	Requirements for Filing Horizontal Property Regimes
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0.1.1.0= -0	occupant requirements	§16-108-1		ective	
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91 < 107 < 7	than stated purpose	§16-108-8.2	Rest	oration	
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R	eal Esta Servici	te Collection ng Agents	\$16-113-2 \$16-113-3 \$16-113-4 \$16-113-5	Defin Notin Disp Dupl	nitions fication of changes lay of license licate license iliarity with statutes and es
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	eal Esta Servicio REPI Chap	te Collection ng Agents	\$16-113-2 \$16-113-3 \$16-113-4 \$16-113-5 \$16-113-6	Defin Notic Disp Dupl Fami rul Fees	nitions fication of changes lay of license licate license iliarity with statutes and es
	eal Esta Servicio REP Chap Collectio	te Collection ng Agents  EALED oter 112	\$16-113-2 \$16-113-3 \$16-113-4 \$16-113-5 \$16-113-6	Defin Notic Disp Dupl Fami rul Fees	nitions fication of changes lay of license licate license iliarity with statutes and es  Qualifications for
	eal Esta Servicio REP Chap Collectio	te Collection ng Agents  EALED oter 112 on Agencies	\$16-113-2 \$16-113-3 \$16-113-4 \$16-113-5 \$16-113-6	Defin Noti: Disp Dupl Fam: rul Fees	nitions fication of changes lay of license licate license iliarity with statutes and es  Qualifications for
	eal Esta Servicio REP Chap Collectio	te Collection ng Agents  EALED  oter 112 on Agencies  General Provisions	\$16-113-2 \$16-113-3 \$16-113-4 \$16-113-5 \$16-113-6 \$16-113-7	Defin Noti: Disp Dupl Fam: rul Fees ter 2	nitions fication of changes lay of license licate license iliarity with statutes and es  Qualifications for Licensure
Subchap	ceal Esta Servicio REP  Chap Collection	te Collection ng Agents  EALED  oter 112 on Agencies  General Provisions  ive	\$16-113-2 \$16-113-3 \$16-113-4 \$16-113-5 \$16-113-6 \$16-113-7 Subchap	Defin Noti: Disp Dupl Fam: rul Fees ter 2	nitions fication of changes lay of license licate license iliarity with statutes and es  Qualifications for Licensure
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Subchap \$16-112-1 \$16-112-2 Subchap \$16-112-6	Char Collection Object Definit Definit Registi	te Collection ng Agents  EALED  oter 112 on Agencies  General Provisions  ive iions  Registration Requirements  ration	\$16-113-2 \$16-113-3 \$16-113-4 \$16-113-5 \$16-113-6 \$16-113-7 Subchap \$16-113-12 \$16-113-12 \$16-113-13 \$16-113-14 \$16-113-15	Defin Notic Disp Dupl Fami rul Fees ter 2 Appl Filin Aban Qual Curr sch Elect ver	nitions fication of changes lay of license licate license licate license iliarity with statutes and es  Qualifications for Licensure  lication g deadline ndonment of application lification requirements iculum requirements for nools and apprenticeships trology school standards; rification
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§16-113-20	Reexamination			
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§16-113-22	Passing score	· ·		visory committee
·	C	§16-114-14		ns of members
Subchapt	ter 3 License Renewals	· ·		
1		Subchap	oter 4	License and Certification
§16-113-25	Biennial license renewal			Requirements
§16-113-26	Restoration			1
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§16-113-30	Electrology standards of	§16-114-22		roval of course providers or
310 110 00	practice	310 11		urses
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§16-113-32	Electrology equipment	310 11 . 20		courses
§16-113-33	Electrology procedure	§16-114-24		erience requirement
§16-113-34	Advertisement	§16-114-25		ealed
§16-113-35	Limitations on license	§16-114-26		nination requirement;
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§16-113-39	Denial	310 111 20		rtificate
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0 -	hearing	Subchap	oter 5	
§16-113-42	Administrative practice and			
310 110 .2	procedure	§16-114-32	Rene	ealed
§16-113-43	Severability	§16-114-33		ealed
310 110 .0	20,0140.1119	310 11 . 00	Trop.	
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§16-114-1	Objective	310 11.00		rnish information and
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Sascinap	Director	§16-114-38		lication for upgrade
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210-114-1	director	210-11 <del>4-4</del> 0		plication
§16-114-8	Delegation of authority		ap	prication
210-114-0	Delegation of authority	Subchap	oter 7	Renewal
		816 114 45	No.4	ce of renewal
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\$16-114-47 Automatic forfeiture for failure to renew to renew to renew to renew to renew or certificate Pirector may refuse to renew or restore  Subchapter 8 Continuing Education  \$16-114-49 Director may refuse to renew or restore  Subchapter 8 Continuing Education  \$16-114-54 Purpose \$16-114-55 Classroom hour requirement hours  \$16-114-55 Acceptable classroom credit hours  \$16-114-57 Course providers or courses \$16-114-58 No carryover of continuing education credit hours  Subchapter 9 Inactive Status  \$16-114-64 Requirements to reactivate  \$16-114-64 Requirements to reactivate  \$16-114-69 Supervision of appraiser assistants  \$16-114-70 State icensed appraiser \$16-114-71 State certified appraiser \$16-114-72 Use of terms  \$16-114-72 Nonapplicability to real estate brokers or real estate brokers or real estate brokers or real estate salespersons  \$16-114-74 Nonapplicability to real estate brokers or real estate brokers or real estate salespersons  \$16-114-79 Recognition of license or certificate \$16-114-10 Indicial review by circuit court  \$16-114-80 Requirements for recognition of license or certificate salespersons  \$16-114-70 Remark of recognition of license or certificate salespersons  \$16-114-71 Remedies or penalties cumulative  \$16-114-72 Records and Appraisal report recention requirement  \$16-114-104 Records and appraisal report recention requirement  \$16-114-105 Subchapter 15 Disciplinary Sanctions  \$16-114-106 Grounds for revocation, suspension, refusal to renew, restore, or reinstate, denial, or conditioning of licenses or certificate salespersons  \$16-114-107 Reinstatement of suspended license or certificate salespersons  \$16-114-107 Reinstatement of suspended license or certificate salespersons  \$16-114-109 Relinquishment no bar to jurisdiction  \$16-114-110 Judicial review by circuit court  \$16-114-107 Remedies or penalties cumulative; civil action or certificate salespersons  \$16-114-107 Remedies or penalties cumulative  \$16-114-109 Relinquishment no bar to jurisdiction or unauthorized activity; fine	§16-114-46	Date for filing	§16-114-83	Withdrawal of recognition
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Subchapter 10   Scope of Licensed and Certified Appraiser   State Icensed or certified appraiser   State Itensed or cert	~	Classroom hour requirement		Requirement
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#### **TITLE 17**

#### **DEPARTMENT OF HUMAN SERVICES**

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Chapter 205
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Chapter 206 Civil Rights of Inmates and Wards

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#### Subchapter 3 Evaluation of Assets

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Subchapter 5

Third Party Liability

#### Chapter 1705 Medical Assistance Recovery

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#### **TITLE 18**

#### **DEPARTMENT OF TAXATION**

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