

**HAWAII ADMINISTRATIVE RULES  
TITLE 19  
DEPARTMENT OF TRANSPORTATION  
CHAPTER 42  
VESSEL AND HARBOR CONTROLS**

**SUBCHAPTER 2  
SMALL CRAFT AND SMALLER COMMERCIAL VESSELS**

**§19-42-57.1** Rules of evidence. The administrative hearing officer may exercise discretion in the admission or rejection of evidence and the exclusion of immaterial, irrelevant, or unduly repetitious evidence as provided by law with a view of doing substantial justice.

In administrative hearings:

(1) Any oral or documentary evidence may be received, but the department shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The department shall give effect to the rules of privilege recognized by law.

(2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request parties shall be given an opportunity to compare the copy with the original.

(3) Every party shall have the right to conduct cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence at the time of hearing.

(4) Except as otherwise provided by law, the party initiating the proceeding shall have the burden of proof by a preponderance of the evidence which includes the burden of producing evidence as well as the burden of persuasion. [Eff 5/20/82; am and comp 2/26/96 ] (Auth: HRS §§266-2, 266-3, 266-27) (Imp: HRS §§266-2, 266-3)