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Rules Amending Title 19
Hawaii Administrative Rules

1. Chapter 19-16.1, Hawaii Administrative Rules, entitled "Airports System Fees and Charges Applicable to Non-Signatory Carrier" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS SYSTEM FEES AND CHARGES
APPLICABLE TO NON-SIGNATORY CARRIERS

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§19-16.1-1 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Adjusted Terminal Rental Rate" shall be calculated by multiplying the Terminal Rental Rate at a particular airport by the following percentages at that airport:

- (1) Honolulu International Airport—100%;
- (2) Kahului Airport, Lihue Airport, and Kona International Airport at Keahole—65% in FY 2009, increasing by five (5) percentage points each subsequent fiscal year until reaching 100% for FY 2016 and thereafter.
- (3) Hilo International Airport—50% as long as enplanements do not exceed 2.0 million in the prior calendar year, otherwise 100%.

"Airfield activity center" means the airfield areas of all airports in the [airports system] Airports System, including, but not limited to, the runways, taxiways, aprons, aircraft parking areas, security fencing, secure service roadways, aircraft rescue and crash fire stations, and related areas and facilities.

"Airline Cost Centers" means the cost centers to be used in accounting for airport revenues and expenses and for calculating and adjusting certain rates, fees, and charges described herein, as such areas now exist or may hereafter be modified or extended, and as more particularly described below.

- (1) "Terminal Cost Center" means the passenger terminal building and related areas for any specified airport within the Airports System, but excluding commuter terminal facilities, and may mean Honolulu International Airport Cost Center, Kahului Airport Cost Center, Kona International Airport at Keahole Cost Center, Lihue Airport Cost Center, and Hilo International Airport Cost Center.
- (2) "Airfield Cost Center" means the airfield areas of all airports in the Airports System, including, but not limited to, the runways, taxiways, approach and clear zones, safety areas, in-field areas, landing and

navigation aids, aprons, aircraft parking areas, security fencing, secure service roadways, aircraft rescue and fire fighting stations, and related areas and facilities.

- (3) "Airports System Support Charge (ASSC) Cost Center" means the residual cost center which shall serve to ensure Airports System revenues are sufficient to recover Airports System Costs.

"Airports [system] System" means the state-wide system of airports including all airports, air navigation facilities, and other related facilities and properties (real, personal, or mixed), and any rights or interests in airports, air navigation facilities, and other related facilities and related properties, now or hereafter belonging to or controlled by the State or under the administration, jurisdiction, control, and management of the State, and all equipment, improvements, extensions, or betterments thereto hereafter constructed or acquired.

"Airports System Costs" means the sum of the following:

- (1) Maintenance and operating expenses including the state surcharge on gross receipts and the department's administrative expense allocations;
- (2) Debt service and coverage on Airports System revenue bonds;
- (3) Debt service on reimbursable general obligation bonds;
- (4) Debt service and coverage on subordinate bonds including requirements under SWAPS, letters of credit and other credit enhancing instruments;
- (5) Annual requirements for purchases of equipment and motor vehicles;
- (6) Replenishment or increase of the Airports System Major Maintenance, Renewal and Replacement Account; and
- (7) Replenishment or increase of the operation and maintenance reserve account.

"Airports [system] System landing fee" means the fee imposed by the department per one thousand pounds of approved maximum landed weight for landing of aircraft at an airport in the [airports system] Airports System.

"Airports [system] System terminal plan" means that document which identifies the commuter terminal, the overseas terminal, the interisland terminal and the international arrivals area, at HIA on file in the office of the director.

"Airports [system] System support charge" means the charge imposed by the department per one thousand pounds of approved maximum landed weight to recover residual costs of the [airports system] Airports System.

"Approved maximum landed weight" means the maximum landed weight in one thousand (1000) pound units for an aircraft as authorized in the aircraft flight manual by the Federal Aviation Administration in the flight manual governing that aircraft. If an aircraft is registered in a foreign country and has not been certified by the Federal Aviation Administration, the approved maximum landed weight shall be the maximum landed weight authorized by the foreign country.

"Aviation fuel taxes" means the taxes established by section 243-4(a)(2), Hawaii Revised Statutes.

"Department" means the department of transportation of the State.

"Director" means the director of the department.

"Distributor" means and includes:

- (1) Every person who refines, manufactures, produces, or compounds liquid fuel and sells it within the State;
- (2) Every person who imports or causes to be imported into the State any liquid fuel and sells it therein, whether in the original packages or containers which it is imported or otherwise that in such original packages

- or containers, or who imports any such fuel for the person's own use in the State;
- (3) Every person who acquires liquid fuel from a non-licensed distributor and who sells or uses it, whether in the original package or container in the original package or container in which it was imported (if imported), or otherwise than in such original packages or containers; and
 - (4) Every person who acquires liquid fuel from a licensed distributor as a wholesaler thereof and sells or uses it; and
 - (5) Every person referred as a "distributor" in chapter 243, Hawaii Revised Statutes.

"Fiscal Year" refers to the State of Hawaii's fiscal year and means the twelve months ending June 30.

"Honolulu International Airport" or "HIA" means the real property including all buildings, structures, facilities, and other betterments constituting Honolulu International Airport, or as Honolulu International Airport may hereafter be modified or expanded.

"Interisland landing" means any landing by an aircraft whose flight originated at an airport in the State.

"Interisland Rate" shall apply to operations of, or passengers on, flights among airports situated in the State, and shall be thirty seven percent (37%) for Fiscal Year 2009. Thereafter, the Interisland Rate shall increase by one (1) percentage point for each subsequent fiscal year until such time as it equals one hundred percent(100%).

"Interisland terminal" means that area of HIA identified as such in the [airports system] Airports System terminal plan as amended from time to time.

"International arrivals area" means that area of HIA identified as such in the [airports system] Airports System terminal plan as amended from time to time.

"Joint use area" means all baggage claim, hold room, baggage makeup, baggage break-down, tug drive, and any other space available for shared use by aircraft operators in [airports system] Airports System terminal buildings as identified as such in the [airports system] Airports System terminal plan as amended from time to time.

"Landing" means any landing by an aircraft at an airport in the [airports system] Airports System, including passenger landings, cargo landings, interisland landings, and overseas landings, provided, however, landing shall not include a landing by an aircraft that returns to an airport in the [airports system] Airports System because of weather, mechanical, emergency, or precautionary reasons.

"Leased Space" means all exclusive, preferential, and joint use terminal space for a terminal cost center leased, or included in rates and charges calculations, but shall not include vacant spaces, non-airline spaces, public spaces, or circulation spaces.

- "Net Airfield Requirement" shall be computed by:
- (1) Summing the following elements allocated to the Airfield Cost Center:
 - (A) Total annual direct and indirect operating expenses;
 - (B) Total annual direct and indirect debt service expenses;
 - (C) Total annual amount to be deposited in the Major Maintenance, Renewal and Replacement Account; and
 - (D) Total annual deposit to the O&M Reserve Account allocated to the Airfield Cost Center; and
 - (2) Subtracting the sum of the annual PFC revenues allocated to pay direct and indirect debt service allocated to the Airfield Cost Center.

"Net ASSC Requirement" shall be computed by subtracting from annual Airports Systems Costs the sum of the following annual amounts:

- (1) PFC revenues allocated to pay direct and indirect debt service expenses;
- (2) Non-airline revenues;
- (3) Interest earned on operating funds;
- (4) Terminal rental revenues;
- (5) Aeronautical rental revenues not included in terminal rental revenues; and
- (6) Landing fee revenue.

"Net Terminal Requirement" for each Terminal Cost Center shall be computed by:

- (1) Summing the following elements allocated to each specific airport Terminal Cost Center:
 - (A) Total annual direct and indirect operating expenses;
 - (B) Total annual direct and indirect debt service expenses;
 - (C) Total annual amount to be deposited in the Major Maintenance, Renewal and Replacement Account allocated to the Terminal Cost Center; and
 - (D) Total annual deposit to the O&M Reserve Account allocated to the Terminal Cost Center; and
- (2) Subtracting the sum of the following:
 - (A) Any deposit from the future debt service account allocated to the Terminal Cost Center;
 - (B) Annual PFC revenues allocated to pay direct and indirect debt service allocated to the Terminal Cost Center; and
 - (C) Annual concession revenues allocated to the Terminal Cost Center.

"Non-signatory carrier" means any operator of an aircraft, any employee of such operator, or any person

who has the authorized use of the aircraft for the purposes of its operation, other than a signatory carrier, utilizing any services, facilities, and commodities of the [airports system] Airports System, including, without limitation, corporate, commuter, and charter operators.

"Overseas landing" means any landing by an aircraft whose flight originated at an airport which is not situated in the State.

"Overseas Rate" shall apply to operations of, or passengers on, a flight departing from an airport not situated in the State and arriving at an airport in the State, or departing from an airport in the State and arriving at an airport not in the State.

"Overseas terminal" means that area of HIA identified as such in the [airports system] Airports System terminal plan as amended from time to time.

"Passenger Facility Charge (PFC)" means the federally approved fee that may be assessed on enplaned passengers, as authorized by Title 49, United States Code (U.S.C.), Section 40117 and regulated by Title 14, Code of Federal Regulations (C.F.R.), Part 158, as such statute and regulation currently exist or as they may be amended during the Term of this Agreement.

"Passenger landing" means any landing at an airport in the [airports system] Airports System by an aircraft carrying principally passengers (including corporate aircraft landings).

"Retail dealer" means and includes a person who purchases liquid fuel from a licensed distributor, and sells the liquid fuel at retail. Only sales of liquid fuel for consumption or use by the purchaser, and not for resale, are sales at retail, or as otherwise defined in chapter 243, Hawaii Revised Statutes.

"Signatory carrier" means any operator of and aircraft, any employee of such operator, or any person who has the authorized use of the aircraft for the purposes of its operation, utilizing any services, facilities, and commodities of the [airports system]

Airports System, including passenger or cargo or any combination, and which has executed and delivered a valid and binding agreement with the State providing for fees and charges payable by such operator at the entire [airports system] Airports System, which agreement has not terminated and is effective with respect to such operator. Such term shall not apply to operators, their employees, or other such persons having agreements applicable to only portions of the [airports system] Airports System.

"State" means the State of Hawaii.

"Terminal Rental Rate" shall be computed by dividing the Net Terminal Requirement by Leased Space.

"Total Landed Weight" shall mean for any Fiscal Year, the sum of the following weights expressed in one thousand (1,000) pound units:

- (1) The sum obtained by adding the Approved Maximum Landing Weight for each aircraft for each overseas landing at an airport in the Airports System; and
- (2) A percentage of the sum obtained by adding the Approved Maximum Landed Weight for each aircraft for each interisland landing at an airport in the Airports System. The percentage is defined at 37% in Fiscal Year 2009 and increasing by one (1) percentage point for each subsequent fiscal year until such time as it equals one hundred percent (100%). [Eff 8/25/94; comp 11/13/00; am and comp](Auth: HRS §261-12)
(Imp: HRS §261-7)

§19-16.1-2 Fees and charges. The fees and charges established by this chapter shall be applicable to all non-signatory carriers except those non-signatory carriers who qualify for exemption as established in section 19-16.1-11. [Eff 8/25/94; comp 11/13/02; comp] (Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

§19-16.1-3 Airports system landing fee. There shall be imposed an [airports system] Airports System landing fee under this chapter for the purpose of recovering costs attributable to the [airfield activity center] Airfield Cost Center; this fee shall be based on landings at an airport in the [airports system] Airports System. [The airports system landing fee for an overseas landing at an airport in the airports system shall be \$2.980 per one thousand pounds of approved maximum landed weight. The airports system landing fee for an interisland landing at an airport in the airports system shall be \$0.954 per one thousand pounds of approved maximum landed weight.] The overseas landing fee rate for non-signatory carriers shall be computed by dividing the Net Airfield Requirement by Total Landed Weight. Non-signatory carriers shall pay an additional amount equal to twenty five percent (25%) of this amount. The interisland landing fee for non-signatory carriers shall be the product of the overseas landing fee rate for non-signatory carriers and the interisland rate for a specified Fiscal Year. The Airports System landing fee rate for non-signatory carriers will be adjusted at the beginning of each Fiscal Year and, as required, may be adjusted mid-year. The adjusted landing fee rate for non-signatory carriers will be posted to the State's website at <http://hawaii.gov/dot/airports/doing-business> 30 days prior to the effective date. [Eff 8/25/94; am 3/2/98; am and comp 11/13/00; am and comp]
(Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

§19-16.1-4 Airports system support charge.
(a) There shall be imposed an [airports system support charge] Airports System Support Charge (ASSC) under this chapter for the purpose of recovering residual costs of the [airports system] Airports System required in order to comply with federal and state laws by making the [airports system] Airports

System self-sustaining; this charge shall be based on landings at an airport in the [airports system] Airports System. The [airports system support charge] ASSC for an overseas landing at an airport in the [airports system] Airports System shall [be \$0.618 per one thousand pounds of approved maximum landed weight. The airports system support charge for an interisland landing at an airport in the airports system shall be \$0.198 per one thousand pounds of approved maximum landed weight.] only apply in such cases that Airports System Costs exceed operating revenues, and operating interest earnings such that an ASSC Requirement results for the Fiscal Year. The overseas ASSC rate shall be calculated by dividing the Net ASSC Requirement, if any, by the total Airports System landed weight. Non-signatory carriers shall pay an additional amount equal to twenty five percent (25%) of the calculated rate. The interisland ASSC Rate for non-signatory carriers shall be the product of the overseas ASSC rate and the interisland rate for the Fiscal Year.

(b) The ASSC rate for non-signatory carriers shall be calculated at the beginning of each Fiscal Year and, as required, may be adjusted six months after the beginning of the Fiscal Year. The adjusted ASSC rate for non-signatory carriers will be posted to the State's website at <http://hawaii.gov/dot/airports/doing-business> 30 days prior to the effective date. [Eff 8/25/94; am 3/2/98; am and comp 11/13/00; am and comp]
 (Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

§19-16.1-5 Aviation fuel tax credit. (a) There shall be credited against the amount of [airports system] Airports System landing fees and [airports system] Airports System support charges imposed by this chapter and owed for a particular calendar month, the amount of the aviation fuel taxes collected from

such non-signatory carrier by a distributor of aviation fuel for the sale of such fuel within the State to such carrier during the same month; provided that, if aviation fuel is purchased by such non-signatory carrier from a retail dealer there shall be credited against the amount of [airports system] Airports System landing fees and [airports system] Airports System support charges imposed by this chapter and owed by such carrier for a calendar month an amount equal to the number of gallons purchased from the retail dealer times the applicable aviation fuel tax per gallon as prescribed in chapter 243, Hawaii Revised Statutes. The credit for aviation fuel tax shall be valid only if the retail dealer holds a permit from the state department of taxation.

(b) No credit for aviation fuel tax shall be given unless there shall be submitted within six months after the date of payment, a claim in writing by the non-signatory carrier accompanied by a statement signed by the distributor certifying: (1) to the amount of aviation fuel taxes collected, (2) that the amount of aviation fuel taxes has been paid to the state director of taxation, and (3) that the aviation fuel taxes have not been paid either under protest by the distributor pursuant to section 40-35, Hawaii Revised Statutes, or pending determination of an appeal from the assessment of the taxes by a court of competent jurisdiction. In case the distributor has paid the aviation fuel taxes under protest or under appeal, credit shall be allowed only in the final decision of the cause is in favor of the State, and the amount of credit may then be taken, first as a credit against any current [airports system] Airports System landing fee paid, and the balance, if any, as a credit against any current [airports system] support charge paid.

(c) In no event shall there be a credit for any aviation fuel taxes greater than the amount paid by a non-signatory carrier in a month for [airports system]

Airports System landing fees and [airports system] Airports System support charges; except, however, during any period the [airports system] Airports System landing fee or the [airports system] Airports System support charge is suspended, the aviation fuel tax collected may be credited against any other rentals, fees and charges (other than taxes, fines, penalties, or interest) payable by a non-signatory carrier to the state airports division for the use of the [airports system] Airports System. [Eff 8/25/94; am 10/10/98; comp 11/13/00; am and comp] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-16.1-5.1 Charge for joint use area in terminals. (a) Non-signatory carriers shall pay an amount equal to an additional twenty five percent (25%) of the following charges:

- (1) Joint Use Holdroom Charges. The Joint Use Holdroom Requirement for each Terminal Cost Center shall be computed by calculating the product of the Adjusted Terminal Rental Rate and the square footage of joint use holdrooms in that Terminal Cost Center. The joint use holdroom position rate shall be computed by dividing the resulting requirement by the number of enplaned passengers using the joint use holdroom(s).
- (2) Common Use Baggage System Charges. The Common Use Baggage System Rate for each Terminal Cost Center shall be computed by calculating the product of the Adjusted Terminal Rental Rate and the square footage of joint use baggage systems in that Terminal Cost Center. The common use baggage system rate shall be computed by dividing the resulting requirement by the number of enplaned passengers using the common use baggage system.

- (3) Common Use Passenger Processing System (CUPPS) Charge. A joint use baggage system charge shall be levied at each terminal as applicable. The costs shall be calculated by dividing operating and maintenance costs associated with the CUPPS equipment by the number of enplaned passengers for airlines using the common CUPPS equipment.
- (4) Common Use Ticketing Position Charges. The Common Use Ticketing Position Requirement for each Terminal Cost Center shall be computed by calculating the product of the Adjusted Terminal Rental Rate and the common use ticketing position square footage in the Terminal Cost Center. The common use ticketing position rate shall be computed by dividing the resulting requirement by the number of enplaned passengers using the common use ticketing positions.

(b) The Airports System joint use rates for non-signatory carriers shall be calculated at the beginning of each Fiscal Year and, as required, may be adjusted six months after the beginning of the Fiscal Year. The adjusted rate will be posted to the State's website at <http://hawaii.gov/dot/airports/doing-business> 30 days prior to the effective date. [Eff and comp] (Auth: HRS §§39-61, 261-12)
(Imp: HRS §261-7)

[§19-16.1-6 Charge for joint use area in the interisland terminal. The charge for use of the joint use area in the inerisland terminal shall be \$69.375 per passenger landing at the interisland terminal.] [Eff 8/25/94; comp 11/13/00; R] (Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

[§19-16.1-7 Charge for joint use area in the overseas terminal. The charge for use of joint use

area in the overseas terminal shall be \$457.344 per passenger landing at the overseas terminal.] [Eff 8/25/94; comp 11/13/00; R] (Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

§19-16.1-8 Charge for international arrivals area. (a) The charge for the use of the international arrivals area shall be [\$3.346 for each passenger who deplanes from an international flight and uses the international arrivals area.] established to recover costs allocated to the international arrivals areas of the Airports System. The charges shall be set by multiplying the applicable Adjusted Terminal Rental Rate by the applicable number of square feet in the international arrivals facility and dividing the product by the number of deplaning international passengers using the facility. Non-signatory carriers shall pay an additional amount equal to twenty five percent (25%) of the resulting charges.

(b) The charge for international arrivals areas will be adjusted at the beginning of each Fiscal Year and, as required, may be adjusted mid-year. The adjusted rate will posted to the State's website at [http://hawaii.gov/dot/airports/doing business](http://hawaii.gov/dot/airports/doing_business) 30 days prior to the effective date. [Eff 8/25/94; comp 11/13/00; am and comp] (Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

§19-16.1-8.1 Charge for commuter terminal joint use area. (a) The commuter terminal joint use area rental rate shall be computed by calculating the product of square footage rental rates as determined by appraisal by the commuter terminal joint use area square footage, and dividing the product by the number of enplaned passengers using the facility. The commuter terminal joint use charges shall apply to all airline passenger and baggage handling areas and

operational areas including ticketing facilities, office, holdrooms and baggage claim. Non-signatory carriers shall pay an additional amount equal to twenty five percent (25%) of the resulting charges.

(b) The Airports System charge for non-signatory carriers will be calculated at the beginning of each Fiscal Year and, as required, may be adjusted six months after the beginning of the Fiscal Year. The adjusted fee will be posted to the State's website at <http://hawaii.gov/dot/airports/doing-business> 30 days prior to the effective date. [Eff and comp] (Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

§19-16.1-9 Reporting requirements;
determinations. (a) Non-signatory carriers shall submit a monthly report to the department containing the following aviation activity statistics for each airport in the [airports system] Airports System within fifteen days following the end of each month in which the aviation activity occurs:

- (1) Number of landings;
- (2) Number of passenger landings;
- (3) Number of cargo landings;
- (4) Approved maximum landed weight of the aircraft involved in each landing;
- (5) Enplaned and deplaned domestic passengers;
- (6) Enplaned and deplaned international passengers;
- (7) Any other information necessary for the calculation of non-signatory carrier fees and charges as established by this chapter; and
- (8) All other reasonable information requested by the director.

(b) Whenever a determination as to the applicability of any fees and charges is necessary under this chapter, such determination shall be made by the director based on the best available

information, including reports submitted as required by this section. [Eff 8/25/94; am and comp 11/13/00; am and comp] (Auth: HRS §§39-61, 261-12) (Imp: HRS §261-7)

§19-16.1-10 Time and place of payment. (a) The [airports system] Airports System landing fee and [airports system] Airports System support charge imposed by this chapter shall be payable immediately after a landing unless a bond is posted with the department, in which case the [airports system] Airports System landing fee and [airports system] Airports System support charge shall be payable together with the monthly reports submitted pursuant to section 19-16.1-9. Except for the [airports system] Airports System landing fee and the [airports system] Airports System support charge, all other charges shall be paid within thirty days of the end of the month in which the fee or charge was incurred.

(b) Non-signatory carriers operating in the [airports system] Airports System may post a cash bond or a bond by a surety company authorized to do business under the laws of the State. The bond shall be in the amount of \$10,000 for non-signatory carriers operating aircraft entirely within the State and \$50,000 for all others.

(c) Failure to pay or provide for the payment of the fees and charges imposed pursuant to this chapter shall result in an interest charge of one per cent (1%) per month, compounded monthly, until paid. In addition to interest charges, late fees payable under chapter 19-6, Hawaii Administrative Rules, shall also apply. Failure to pay or provide for the payment of the fees and charges imposed pursuant to this chapter may also result in the impoundment of the aircraft or the imposition of other penalties as permitted by law.

(d) All payments shall be made at the airports division, department of transportation, at HIA, or at any of the district offices on Maui, Hawaii, or Kauai.

[Eff 8/25/94; comp 11/13/00; am and comp]
(Auth: HRS §261-12) (Imp: HRS §§261-7, 261-7.5)

§19-16.1-11 Exemptions. This chapter shall not apply to the following types of aircraft:

- (1) Aircraft owned or operated by the:
 - (A) Government of the United States, or any agency or department thereof;
 - (B) State or any of its counties or any Agency or department thereof; or
 - (C) Civil Patrol.
- (2) Aircraft with less than 12,500 pounds approved maximum landed weight using the [airports system] Airports System for aircraft flight training purposes, emergencies, private transportation, or test landings.
- (3) Aircraft with more than 12,500 pounds approved maximum landed weight and a maximum seating capacity of less than 20 passengers and not operating under the provisions of the Federal Aviation Regulations, 14 CFR parts 121, 125, 127 or 129, using the [airports system] Airports System for aircraft flight training purposes, emergencies, private transportation, or test landings. [Eff 8/25/94; comp 11/13/00; am and comp] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-16.1-12 Penalty. Penalties for violations of this chapter shall be as set forth in section 261-7, and 261-7.5, Hawaii Revised Statutes. [Eff 8/25/94; comp 11/13/00] (Auth: HRS §§261-7, 261-7.5) (Imp: HRS §261-12)

§19-16.1-13 Severability. If any provision of this chapter or the application thereof is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. If a particular application of any fee or charge hereunder is held invalid and provision is made for a different application of such fee or charge, such different application shall apply to all non-signatory carriers." [Eff 8/25/94; comp 11/13/00] (Auth: HRS §261-12) (Imp: HRS §261-12)

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

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

4. These amendments to and compilation of chapter 19-16.1, 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.

Director of Transportation

APPROVED AS TO FORM:

Deputy Attorney General