

Amendment and Compilation of Chapter 19-44
Hawaii Administrative Rules

_____, 2017

1. Chapter 19-44, Hawaii Administrative Rules, entitled "Rules Relating to Services and Procedures, Charges, Tolls and Fees", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 3

HARBORS DIVISION

CHAPTER 44

RULES RELATING TO SERVICES AND PROCEDURES, CHARGES,
TOLLS AND FEES

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Historical note. This chapter is based substantially on Part IV of the Rules and Regulations and Tariff No. 4. [Eff 7/1/74; am 9/1/75; am 5/10/76; am 10/21/77; am 4/30/81; R 5/20/82]

SUBCHAPTER 1

GENERAL PROVISIONS

§19-44-1 Fresh water. Fresh water for a vessel's use may be obtained at all major ports of the State from the municipal water supply agencies. The vessel's agent shall be responsible for the collection and payment to the department of the pipeline wharfage. Water, when furnished by the State, shall be furnished at cost plus wharfage fee.

In Honolulu Harbor, water lines for which the department is billed will be connected by the department's personnel who will meter the quantity of water obtained. These personnel will be made available each day during the hours of 6:00 a.m. until 10:00 p.m. Water service outside of these hours must be scheduled in advance through the harbor master's office and will be subject to an off-hours water service surcharge of \$103.13 over and above cost and wharfage fees. [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 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-2 Electricity. When a vessel docked at a state wharf has occasion to use wharf lighting or other electric current furnished by the department, the electricity shall be charged to the vessel at the cost to the department plus an electricity surcharge of eighteen per cent for furnishing the electricity. [Eff 5/20/82; am 11/7/91; comp 2/26/96; am 3/10/97; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-3 Telephones. Telephone service may be arranged directly with the Hawaiian Telephone Company. [Eff 5/20/82; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-4 REPEALED. [R 11/7/91]

§19-44-5 Mooring and unmooring of vessels. The mooring and unmooring of vessels and the shifting, fastening, or releasing of lines of a vessel shall be arranged for by shipping agents. No such service is provided by the department. [Eff 5/20/82; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-6 Delinquent payments. For all delinquent payments due the State, interest shall be charged at the rate of one per cent per month on the unpaid balance, including prior interest charges and delinquent account service charges beginning on the first day payment is delinquent and continuing monthly thereafter until the amount due is paid. Without prejudice to any other remedy available to the State, a delinquent account service charge of \$33.00 per month shall be assessed on any delinquency regardless of the amount thereof. The interest charge and delinquent account service charge shall continue to be assessed until the delinquency is paid in full. Payments are considered delinquent when not paid within thirty calendar days from date of invoice except that the payment of wharfage is considered delinquent if not paid within forty-five days after date of completion of handling cargo over state wharves for a particular voyage. Wharfage reports which are submitted on a monthly basis, in accordance with section 19-44-61(c), are delinquent fifteen days after the last day of the month being reported. [Eff 5/20/82; am 11/7/91; comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-6.1 Delinquent reports. A delinquent report service charge of \$33.00 shall be assessed against an account for which a report such as, but not limited to, (1) a statement of gross receipts, or (2) a wharfage report, is delinquent. If the delinquency continues, a new delinquent report service charge shall be assessed each month and shall continue to be assessed each month until the report is correctly submitted. [Eff 11/7/91; comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)

§19-44-7 Labor and equipment charges. Charges for cleaning and other services when provided by the State are as follows:

(a) The rate charged for state employees shall be the actual hourly pay of the employee plus overtime, if applicable, plus a fifty-six per cent overhead surcharge.

(b) Hourly rates for the use of equipment. The following rates shall be charged for the use of state equipment, not including the operator:

Type	Hourly Rate
30 cubic yard trash container truck without operator	\$44.68
Push loader with front end hydraulic bucket without operator	
½ to 1 cubic yard capacity	\$34.78
1 to ½ cubic yard capacity	\$47.43
Street sweeper without operator	
3 cubic yard capacity	\$17.80
7 cubic yard dump truck without operator	\$34.78
½ ton pickup truck without operator	\$11.89

2 ton forklift	
without operator	\$21.73
Workboat without operator	\$27.70
14 foot flat bed truck	
without operator	\$19.80
65 foot aerial boom lift truck	
without operator	\$79.06

The rate for the operator of the equipment listed above shall be the actual hourly pay of the employee plus overtime, if applicable, plus a fifty-six per cent overhead surcharge. State equipment shall only be operated by state employees.

(c) Dump fee per ton shall be at cost plus a fifty-six per cent surcharge.

(d) Equipment rental charges accrue from the time the equipment leaves the baseyard and continue until the equipment returns to the baseyard. [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 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

§19-44-7.1 Berthing schedule changes. A vessel may be charged for any and all additional costs which may be incurred by the State as a result of a delay or change in the berthing schedule of the vessel or an unscheduled vessel berthing. This charge would include all time charges incurred by the State, including overtime, if applicable, plus a fifty-six per cent overhead surcharge as well as additional expenses and costs incurred. [Eff 11/7/91; comp 2/26/96; am 3/10/97; comp 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-8 REPEALED. [R 12/20/85]

§19-44-9 Damage to state property. Any person responsible for damage to state property shall make repairs in accordance with state specifications. If the State determines that the repairs are completed

improperly or if the responsible party does not undertake the repairs within a reasonable time, the State shall act to repair the damage and shall assess the responsible party as follows:

- (1) The direct labor charges including overtime and cost of materials plus a fifty-six per cent overhead surcharge if the repairs are made by state employees.
- (2) The costs of all contractors employed (i.e., surveyors, divers, etc.), and all time charges incurred by the State, including overtime, if applicable, plus a fifty-six per cent overhead surcharge, all subject to a thirty per cent administrative surcharge. [Eff 5/20/82; am 11/7/91; am and comp 2/26/96; am 3/10/97; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-10 Key deposit. When a tenant requires access to a space or area secured by a harbors division lock, a key shall be furnished; provided the person deposits the following amount with the division prior to receiving the key as security for prompt return of the key when access is no longer required:

- (1) \$33.00 if the access is required for a period of more than ninety days.
- (2) \$41.25 if the access is required for a period of less than ninety days.

The deposit shall be forfeited in the event the key is not returned to the division when access is no longer required. [Eff 5/20/82; am 11/7/91; comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-11 Dishonored check service charge. (a) Without prejudice to any other remedy, any person who issues to the department a dishonored check, as defined in section 490:3-506, Hawaii Revised Statutes,

shall be assessed a \$30.00 dishonored check service charge for each dishonored check.

(b) Payment to, and acceptance by, the department of a dishonored check service fee shall not be construed as a waiver of any violation of Title 37, Hawaii Penal Code, Hawaii Revised Statutes, or of these rules. [Eff 5/20/82; am 11/7/91; comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-12 Refrigerated shipping device surcharge. Refrigerated shipping devices loaded or off-loaded from vessels at piers which serve facilities where state-installed electrical outlets are available will be assessed a refrigerated shipping device surcharge of \$3.85 per refrigerated per movement whether the state-installed electrical outlets are actually utilized or not. For transshipments of refrigerated shipping devices where state-installed electrical outlets are available, the refrigerated shipping device surcharge will be assessed per refrigerated container, whether the outlets are actually utilized or not, for each movement as follows:

- (1) Incoming Transshipments.
 - (A) Incoming overseas.
 - (B) Incoming inter-island.
- (2) Outgoing Transshipments.
 - (A) Outgoing inter-island.
 - (B) Outgoing overseas. [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 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-13 State container freight station surcharge. All overseas shipping devices utilizing a state container freight station for loading or emptying of cargo, into or out of the shipping devices, shall be assessed a container freight station

surcharge of \$1.76 per ton. [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 2/1/10; comp] (Auth: HRS §266-2)
(Imp: HRS §266-2)

§§19-44-14 to 19-44-15 (Reserved)

Note: The department does not operate handling service for cargo. Stevedoring is performed by private corporations at the major ports of the State. Adequate equipment and services are available.

The department operates no specialized handling equipment. Bulk cement, bulk sugar, bulk coal, molasses and container crane installations are operated by private corporations at certain ports. The department does not provide pilot or tug service. Commercial services are available.

SUBCHAPTER 2

DOCKAGE

§19-44-16 Dockage. Dockage shall commence against a vessel:

- (1) When making fast to a wharf, dolphin, or other structure.
 - (2) When occupying the berth immediately alongside a wharf.
 - (3) When making fast to a vessel lying alongside a wharf or dolphins.
 - (4) When first boat, raft, lighter, etc., reaches wharf and shall continue upon such vessel until it is completely freed from and vacates its mooring or anchoring until last boat, raft, lighter, etc., leaves wharf.
- [Eff 5/20/82; am 11/7/91; am and comp
2/26/96; comp 2/1/10;] (Auth:
HRS §266-2) (Imp: HRS §266-13)

§19-44-17 Free dockage. Free dockage shall be accorded as follows:

- (1) At discretion of the department;
- (2) Free time totaling one hour at the discretion of the harbor master, may be allowed to an idle vessel not actively engaged in commerce when it arrives and departs within one hour; or
- (3) To government owned or operated vessels paying courtesy, training or official visits, or engaged in dredging or repair of harbor facilities. [Eff 5/20/82; am 12/5/83; am 11/7/91; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§19-44-18 One-half dockage rate. One-half the full dockage rate shall be assessed against a vessel otherwise subject to dockage charges as follows:

- (1) When the vessel is a barge regularly used in the transporting of inter-island cargo or intra-island cargo and is not loading or unloading cargo within a continuous twenty-four hour period. One-half the full dockage rate shall commence from the twenty-fifth hour that the barge is not loading or unloading cargo.
- (2) When the vessel is a floating drydock, floating crane, or equipment barge. [Eff 5/20/82; am 12/5/83; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§19-44-19 Offshore dockage. When a wharf is used for loading or unloading cargo, or embarking or disembarking passengers, by means of boats or lighters from a vessel moored offshore, the dockage rate assessed against the vessel shall be based upon

overall length of the moored vessel at the following rates:

- (1) ¼ full dockage rate - 12 hours or less; or
- (2) ½ full dockage rate - over 12 hours up to 24 hours. [Eff 5/20/82; am 12/5/83; am 12/20/85; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2)
(Imp: HRS §266-13)

§19-44-20 Full dockage rate. (a) Dockage shall be assessed against all vessels, except as otherwise provided, at the full dockage rates ~~[except as otherwise provided.]~~ as set forth in the exhibit, dated July 1, 2018, entitled "DOCKAGE RATES (July 1, 2018)", 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 dockage rates are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated July 1, 2018. In computing dockage, only halves of days shall be considered and dockage shall be assessed as follows:

- (1) Twelve hours or less shall be charged one-half of one full day's dockage.
- (2) Over twelve hours and not more than twenty-four hours shall be charged one full day's dockage.

~~[(b) Full dockage rates for vessels shall be as follows:]~~

Charge Per 24 Hour Day					
<div>↓ ↓ ↓</div>					
Overall in Meters	Overall In Feet

From	But Less Than	From	But Less Than	Charge Per Mo. Per Lin. Ft. For Smaller Comm. Vessels (1)	Smaller Comm. Vessels (2)	Inter-island Vessels or Intra-island Vessels (3)	Other Vessels (4)
0.00	12.19	0	40	-	\$9.24	-	-
12.19	15.24	40	50	-	\$10.56	-	-
15.24	19.81	50	65	-	\$14.52	-	-
19.81	22.86	65	75	\$5.50	\$17.16	\$17.88	\$34.38
22.86	25.91	75	85	\$5.67	\$23.76	\$24.75	\$41.25
25.91	30.48	85	100	\$5.78	\$33.00	\$34.38	\$55.00
30.48	36.58	100	120	\$5.94	\$39.60	\$41.25	\$61.88
36.58	42.67	120	140	\$6.05	\$46.20	\$48.13	\$68.75
42.67	48.77	140	160	\$6.16	\$52.80	\$55.00	\$82.50
48.77	54.86	160	180	\$6.33	\$59.40	\$61.88	\$96.25
54.86	60.96	180	200	\$6.44	\$66.00	\$68.75	\$116.88
60.96	68.58	200	225	\$6.60	\$79.20	\$82.50	\$130.63
68.58	76.20	225	250	\$6.93	\$92.40	\$96.25	\$158.13
76.20	83.82	250	275	\$7.26	\$105.60	\$110.00	\$178.75
83.82	91.44	275	300	\$7.59	\$118.80	\$123.75	\$206.25
91.44	99.06	300	325	-	-	\$151.25	\$247.50
99.06	106.68	325	350	-	-	\$178.75	\$295.63
106.68	114.30	350	375	-	-	\$206.25	\$343.75
114.30	121.92	375	400	-	-	\$247.50	\$412.50
121.92	129.54	400	425	-	-	\$288.75	\$481.25
129.54	137.16	425	450	-	-	\$330.00	\$550.00
137.16	144.78	450	475	-	-	\$371.25	\$618.75
144.78	152.40	475	500	-	-	\$412.50	\$687.50
152.40	160.02	500	525	-	-	\$474.38	\$790.63

160.02	167.64	525	550	÷	÷	\$536.25	\$893.75
167.64	175.26	550	575	÷	÷	\$618.75	\$1031.25
175.26	182.88	575	600	÷	÷	\$701.25	\$1168.75
182.88	190.50	600	625	÷	÷	\$783.75	\$1306.25
190.50	198.12	625	650	÷	÷	\$866.25	\$1443.75
198.12	205.74	650	675	÷	÷	\$948.75	\$1581.25
205.74	213.36	675	700	÷	÷	\$1031.25	\$1718.75
213.36	220.98	700	725	÷	÷	\$1113.75	\$1856.25
220.98	228.60	725	750	÷	÷	\$1237.50	\$2062.50
228.60	236.22	750	775	÷	÷	\$1402.50	\$2337.50
236.22	243.84	775	800	÷	÷	\$1567.50	\$2612.50
243.84	259.08	800	850	÷	÷	\$1732.50	\$2887.50
259.08	274.32	850	900	÷	÷	\$1897.50	\$3162.50
274.32	and over	900	and over	÷	÷	÷	\$3162.50

~~plus an additional \$4.81 per linear foot or \$15.79 per linear meter or fraction thereof, of overall length in excess of 900 linear feet or 274.32 meters. In the event this resulting charge is not an even whole dollar, the charge shall be rounded to the next nearest whole dollar.]~~

~~[(c)]~~ (b) Column (1) of the ~~[dockage rate table in subsection (b)]~~ exhibit, dated July 1, 2018, entitled "DOCKAGE RATES (July 1, 2018)", located at the end of this chapter shall be ~~[used for]~~ applied to smaller commercial vessels, except those described in section 19-44-23, ~~[from]~~ at least sixty-five feet long but less than three hundred feet long, or the metric equivalent thereof, not engaged in overseas operations or in the transporting of any overseas cargo when assigned annual dockage permits. This column also applies to those vessels described in section 19-44-36. The rates in this column are charged per month.

~~[(d)]~~ (c) Column (2) of the ~~[dockage rate table in subsection (b)]~~ exhibit, dated July 1, 2018, entitled "DOCKAGE RATES (July 1, 2018)", located at the end of this chapter shall be ~~[used for]~~ applied

to smaller commercial vessels less than three hundred feet long, or the metric equivalent thereof, not engaged in overseas operations or in the transporting of any overseas cargo and those specified in section 19-44-23 and not assigned annual dockage permits. This column also applies to those vessels described in section 19-44-36. The rates in this column are charged per twenty-four hour day.

~~[(e)]~~ (d) Column (3) of the ~~[dockage rate table in subsection (b)]~~ exhibit, dated July 1, 2018, entitled "DOCKAGE RATES (July 1, 2018)", located at the end of this chapter shall be ~~[used for]~~ applied to vessels predominantly used in the transporting of inter-island cargo or intra-island cargo. The rates in this column are charged per twenty-four hour day.

~~[(f)]~~ (e) Column (4) of the ~~[dockage rate table in subsection (b)]~~ exhibit, dated July 1, 2018, entitled "DOCKAGE RATES (July 1, 2018)", located at the end of this chapter shall be ~~[used for]~~ applied to vessels when rates in columns (1), (2), and (3) of the ~~[table in subsection (b)]~~ exhibit are not applicable and when no other dockage rate or mooring rate in another section of these rules and tariff is applicable. The rates in this column are charged per twenty-four hour day. [Eff 5/20/82; am 12/5/83; am 12/20/85; am 11/7/91; am and comp 2/26/96; am and comp 2/1/10; am and comp] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-13, 266-17)

§19-44-21 Movement within a harbor. A vessel subject to dockage charges which shifts directly from one state berth to another state berth within the same harbor shall be assessed dockage based upon the total time at such berths considered together. [Eff 5/20/82; am 12/5/83; comp 2/26/96; am 3/10/97; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§19-44-22 Vessel occupying berths at different harbors. A vessel occupying state berths not within the same harbor shall be assessed dockage for the use of each berth without regard to its use of other berths. [Eff 5/20/82; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§19-44-23 Dockage for harbor tugs, tug boats, work boats, and service boats. Dockage charge for harbor tugs, tug boats, work boats, and service boats not engaged in overseas operations shall be as follows:

- (1) Harbor tugs, tug boats, work boats, and service boats working within or in and out of a harbor or between ports of the State shall be assessed a dockage rate for each day they are subject to dockage at each port as indicated in column (2) of subsection 19-44-20(b).
- (2) Activity of the vessels covered by this section shall be reported monthly by the vessel operator on a form provided by the department. This report, together with remittance, shall be submitted by the vessel operator to the department within thirty days after the last day of the month being reported. [Eff 5/20/82; am 12/20/85; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §§266-13, 266-17)

§19-44-24 Use of breasting buoys or breasting dolphins. Vessels using breasting buoys or breasting dolphins in a state harbor shall be assessed at the rate of one-fourth the full dockage per day or any fraction of a day in addition to the regular dockage. [Eff 5/20/82; am 12/5/83; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§19-44-25 Vessels under repair. Dockage for vessels or other floating equipment under repair at piers not currently required for other purposes, as available only, shall be charged at the rate of three-fourths the full dockage per day, or any fraction of a day, providing such repair is considered major repair and is performed by a repair firm. To prevent misunderstanding, this rate shall be assessed only with prior approval of the department. Without such prior approval full dockage shall be charged. [Eff 5/20/82; am 12/20/85; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§19-44-26 Vessels anchoring or mooring to buoys or dolphins in state harbors. Vessels, other than small craft which pay mooring fees, anchoring or mooring to buoys or dolphins within a state controlled harbor shall be assessed at the rate of one-half the full dockage rate per day or any fraction of a day. [Eff 5/20/82; am 12/5/83; am 12/20/85; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§19-44-27 Change in vessel status. Vessels, including tugs and barges, will be allowed to change their status from "Overseas" to "Inter-island or Intra-island" only once a month. A vessel which brings cargo from overseas and engages in inter-island or intra-island voyages will be considered for change in status only after all of its overseas cargo has been delivered to a port in the State. Should the vessel be granted inter-island or intra-island status but then depart for an overseas destination within a month of that status change, the change will be revoked and the vessel considered engaged in overseas commerce for the entire period. [Eff 11/7/91; am and

comp 2/26/96; comp 2/1/10; comp
HRS §266-2) (Imp: HRS §266-13)

] (Auth:

§§19-44-28 to 19-44-30 (Reserved)

SUBCHAPTER 3

SMALL CRAFT AND OTHER VESSEL FEES

§19-44-31 Mooring and other fees. In lieu of dockage, undocumented small craft, documented yachts and commercial fishing vessels engaged in fishing within the waters of the State, when assigned or occupying berths within state commercial harbors, shall pay mooring and other fees as follows:

(a) At Hilo, Kawaihae, Kahului, Nawiliwili, and Port Allen Harbors when berths are assigned by way of annual mooring permits:

- (1) Mooring fees, per month per foot of vessel's overall length shall be:
 - (A) Alongside pier or wharf or catwalk
- \$5.78;
 - (B) Alongside dolphins only or bow/stern mooring on state buoy, anchor or cable
- \$4.60;
 - (C) Alongside another vessel moored to pier or wharf or bow/stern mooring on owner's buoy or anchor
- \$2.95.
- (2) Electricity may be furnished at cost by the department for the amount used or by a flat rate of \$5.50 per day for 110 volts and \$13.75 per day for 220 volts, if meters are not available.
- (3) Where water service is available, every vessel will be charged at the rate of \$13.75 per month or fraction of a month when used in reasonable quantities.

- (b) At other state commercial harbors when berths are assigned by way of annual mooring permits:
- (1) Mooring fees, per month per foot of vessel's overall length or length of berth, whichever is greater, shall be:
 - (A) Alongside catwalk - \$3.85;
 - (B) Bow/stern mooring:
 - On state buoy, anchor or cable - \$3.43;
 - Minimum fee - \$42.63;
 - On owner's buoy or anchor - \$2.20;
 - Minimum fee - \$34.10;
 - (C) Skiff moorings - \$1.71;
 - Minimum fee - \$21.34.
- [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 2/1/10; comp]
- (Auth: HRS §266-2) (Imp: HRS §§266-3,
266-17)

§19-44-32 Advance payment required. As a prerequisite to the issuance of a mooring permit the permittee shall make a security deposit to the State in legal tender or in some other acceptable form in an amount equal to two months' fees and charges as security for the faithful performance on the permittee's part of all terms and conditions specified. The deposit shall be returned to the permittee without interest, upon termination of the mooring permit; provided that the terms and conditions have been faithfully performed to the satisfaction of the department. If the permittee does not perform satisfactorily, the department may declare the deposit forfeited or apply it as an offset to any amounts owed by the permittee or to any damages or loss caused to the State by the breach of the terms and conditions by the permittee. The permittee shall also pay the permit processing fee, one month's fees and charges; provided that if the effective date of the mooring permit is other than the first day of the month, charges shall be properly prorated for the balance of the month and these prorated charges plus an

additional one month's fees and charges shall be paid. All required fees and charges shall be paid in advance without notice or demand on the first day of every month. [Eff 5/20/82; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-33 Fee for berth reservation for small craft absent for extended periods. Any holder of a mooring permit who has applied, as prescribed in section 19-42-49, to retain berthing rights upon returning from an absence in excess of fourteen days shall continue to pay all required fees and charges at the established rates. During the absence, the department may issue a temporary mooring permit for the use of the particular berthing space and charge the normal mooring fee to the temporary user. [Eff 5/20/82; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-34 Mooring fees for small craft assigned temporary moorings or occupying moorings without permission. (a) Small craft assigned a berth for a period of thirty days or less shall not make the security deposit required by section 19-44-32; but in lieu thereof, they shall pay the fees prescribed in subsection (d) and charges in advance.

(b) Temporary mooring permits may not be renewed. However, visiting and other small craft may be issued another temporary permit if space is available, and shall continue to pay the fees and charges as prescribed in subsection (d) and charges in advance.

(c) The mooring fees for small craft assigned a berth for thirty days or less, or for a small craft moored in a harbor for any period without permission or contrary to directions of the department in violation of section 19-42-1 shall be as prescribed in subsection (d).

(d) Fees for small craft assigned temporary moorings or occupying moorings without permission shall be as follows:

Length of vessel overall in feet				
	From	But Less Than	Charge Per 24-hour Day or portion thereof when moored with permission	Charge Per 24-hour Day or portion thereof when moored without permission
	0	40	\$ 9.24	\$26.40
	40	50	\$10.56	\$39.60
	50	65	\$14.52	\$52.80

(e) Payment and acceptance of fees chargeable to small craft moored without permission or in violation of section 19-42-1 shall not be construed as a waiver of any violation of these rules. [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 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

§19-44-35 Excessive water usage service charge.

An excessive water usage service charge of \$103.13 per day for each day or fraction of a day shall be charged for waste of fresh water, through the use of water for the prolonged operation of ejectors to pump water out of vessels or permitting hoses to run unattended. [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 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

§19-44-36 Fees for use of facilities for private gain.

(a) The charges per vessel per month for utilizing state commercial harbor property or facilities for private gain other than solely for the

taking of fish as a principal source of livelihood, unless under a lease arrangement, shall be as follows:

- (1) Cruise boats possessing a valid mooring permit shall be assessed: (A) two times the appropriate mooring fee indicated in section 19-44-31; or (B) two times the appropriate dockage rate indicated in section 19-44-20 (depending on the length of vessel); or (C) two per cent of the vessel's monthly gross receipts, whichever is greatest.
- (2) A common carrier, operating a passenger transportation system under the authority of a certificate of public convenience and necessity issued by the public utilities commission of the State shall be assessed two times the designated mooring fee as indicated in section 19-44-31, or two times the designated dockage rate as indicated in section 19-44-20 (depending on the length of vessel), or two per cent of the vessel's gross receipts, whichever is greatest.
- (3) Charter boats possessing a valid mooring permit shall be assessed two times the designated mooring fee as indicated in section 19-44-31, or two times the designated dockage rate as indicated in section 19-44-20 (depending on the length of vessel), or two per cent of the vessel's monthly gross receipts, whichever is greatest.
- (4) Vessels possessing a valid commercial permit and which use state commercial facilities as a pick-up or drop-off site for commercial purposes, shall be assessed \$158.13 per month or two per cent of the vessel's monthly gross receipts, whichever is greater, when dockage is not charged.
- (5) Holders of a valid miscellaneous permit shall be assessed fees as detailed in the permit.

- (6) Percentage rates in sections 19-44-36(a) (1), (2), (3), and (4) will increase as follows:
 - (A) Effective July 1, 2011, the percentage rate will increase to 2.25%; and
 - (B) Effective July 1, 2013, the percentage rate will increase to 2.50%.

(b) A monthly report (DOT 3-167) showing the gross receipts and charges and the total number of passengers carried during the month by the vessel shall be submitted by the permittee to the department within thirty days after the last day of the month being reported and the net charges due shall be remitted along with the report for cruise boats in subsection (a)(1).

(c) A monthly report (DOT 3-171) showing the gross receipts derived during the month by the vessel on a form provided by the department shall be submitted by the permittee or passenger common carrier authorized by the public utilities commission to the department within thirty days after the last day of the month being reported and the net charges due will be remitted along with the report. [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 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-37 Annual fees for applications. The following annual fees shall be assessed:

- (1) Initial application for regular mooring permit - \$144.38
- (2) Renewal of application for regular mooring permit - \$ 96.25
- (3) Application for temporary mooring permit - \$27.50
- (4) Application for transfer in the future to another berth of the same characteristics in the same harbor - \$27.50 [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

2/1/10; comp] (Auth: HRS
§266-2) (Imp: HRS §§266-2, 266-17)

§19-44-38 Lease agreements. The department may, by lease, permit or mooring agreement, in accordance with state law, grant the use or possession of harbor facilities. Such leases, permits or agreements shall provide for payments of rentals, fees and charges in accordance with law, in lieu of and notwithstanding the provisions for fees and charges specified in these rules. [Eff 5/20/82; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

§19-44-39 Fee for placement on the list of approved marine surveyors. A fee of \$33.00 for a term of three years shall be assessed against a person applying to be placed on the list of approved marine surveyors or requesting renewal. The fee is not refundable. [Eff 5/20/82; am 12/5/83; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

§19-44-40 (Reserved)

SUBCHAPTER 4

RENTAL OF OFFICE AND STORAGE SPACE

§19-44-41 Office space. The department may rent available space for use as offices for the convenience of agents or owners of vessels, and others, at a price determined by the value of the facility. The minimum charge for office rental space shall be one-half of a full month's rental. Rental of other than wharf area shall be by negotiation for each case except where a

rate is set by these rules. [Eff 5/20/82; comp
2/26/96; comp 2/1/10; comp] (Auth: HRS
§266-2) (Imp: HRS §266-2)

§19-44-42 Storage space. Except as provided otherwise, the rental for storage space upon or near state wharves shall be per month as follows:

- (1) Honolulu:
 - Shed storage per square
foot floor area \$0.77
 - Open storage on paved
area per square foot \$0.50
 - Open storage on unpaved
area per square foot \$0.39
- (2) Other ports:
 - Shed storage area, per
square foot \$0.55
 - Open storage on paved
area, per square foot \$0.33
 - Open storage on unpaved
area, per square foot \$0.22

A minimum charge of \$22.00 per month shall be levied. For periods of less than fifteen days the charge will be for a full fifteen days. Areas to be utilized for long periods or under special conditions are to be covered by leases or thirty day revocable permits. [Eff 5/20/82; am 12/20/85; am 11/7/91; am and comp 2/26/96; am and comp 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-43 Storage of stevedoring and other equipment. (a) Stevedoring equipment of all kinds such as net slings, box slings, hand trucks, chutes, pallets, etc., may, at the discretion of the harbor master, be stored on state wharves. All stevedoring equipment shall be assessed storage charges at fifty per cent of the rates specified in section 19-44-42 except that there shall be a minimum charge of \$27.50 per month. Space for continuous storage of stevedoring equipment shall be made available only if

it does not interfere with cargo handling. The amount of space which may be devoted to storage of stevedoring equipment shall be determined by the harbor master.

(b) Recoopered cargo and cattle stalls shall be charged for storage space occupied at the rates specified in section 19-44-42, effective forty-eight hours after demurrage begins for the first 2500 tons or fraction thereof and twenty-four hours after demurrage begins for each additional 1500 tons or fraction thereof.

(c) Mobile equipment for handling cargo such as truck tractors, hustlers, forklifts, straddle trucks, tractors, trailers, truck cranes, trucks, etc., may be left idle on state property in an area designated by the harbor master; provided that any mobile equipment shall be removed if the harbor master determines that it interferes with cargo handling. Mobile equipment shall be assessed for storage space occupied at fifty per cent of the rates set forth in section 19-44-42 except that there shall be a minimum charge of \$27.50 per month.

(d) Shipping devices may be stored on state property as designated by the harbor master. The charges for the storage of shipping devices shall be as follows:

- (1) Honolulu and Barbers Point:
 - (A) Per linear foot per day for the first five calendar days - \$0.13
 - (B) Per linear foot per day for the next five calendar days - \$0.28
- (2) Other ports:
 - (A) Per linear foot per day for the first five calendar days - \$0.08
 - (B) Per linear foot per day for the next five calendar days - \$0.17

No additional charge shall be made for double or higher stacking of containers. These charges shall apply immediately after the expiration of free time to full or empty containers and shall be followed by demurrage charges.

(e) When vessel voyage frequencies cause unavoidable demurrage for empty containers, or when the yard is congested and there is a large number of empty containers that causes the tracking and retrieval of the most aged empty containers to be difficult or impractical, or when a reserve pool of empty containers is operationally necessary, the department may authorize a staging area of minimal dimensions to accommodate the empty containers which should be stacked as high as possible, and each empty container which exceeds the free time shall be assessed an empty container staging charge on a daily basis. If a clearly defined staging area cannot be delineated because of the large number of empty containers throughout the yard and lack of harbor space, the department may accept a simulation or approximation of the number of empty containers stored beyond the free time allowance by reviewing the empty container aging analysis provided by the shipper.

(f) The shipper shall provide the aging information for each container or summary thereof as requested by the department on a daily basis. Reports and payments should be based on a daily tally for a calendar week and will be due within fifteen working days after the week. The empty container staging charge for empty containers stacked one high shall be the single stack rate of \$0.28 per linear foot, per empty container per day for Honolulu and Barbers Point and \$0.17 per linear foot per day for other ports where containers are stacked one high. For empty containers stacked two high, the rate per linear foot per empty container shall be seventy-five per cent of the single stack rate. For empty containers stacked three or more high, the rate per linear foot per empty container shall be fifty per cent of the single stack rate. For the purposes of this section, empty trailer chassis shall be counted in the same manner as an empty container. An empty container on a trailer chassis shall be counted as one unit. The department reserves the right, upon prior written notice, to cancel, waive, reject, or otherwise adjust the discounted demurrage rate reflected in this empty

container staging charge when it has been determined that a shipper has submitted false or misleading information or engaged in other improper conduct that results in the shipper being assessed the empty container staging charge.

(g) Stevedoring equipment utilized in the handling of cargo, such as high lifts, cranes, forklifts, etc., for which storage arrangements have not been made shall not be permitted on state property until forty-eight hours prior to the arrival of the ship for which the equipment will be utilized. Removal of this equipment from state property shall be made within forty-eight hours after discharge of cargo unless an extension of time is authorized by the harbor master.

(h) Automobiles and trucks under 6,500 pounds, in shipping devices or otherwise may be stored on state property as designated by the harbor master. The following storage charges are daily rates and apply to all automobiles and trucks whether or not they are contained in a container. The storage charges shall be as follows:

(1) Honolulu and Barbers Point:

(A) Per unit per day for a five calendar day limit - \$6.88

(2) Other ports:

(A) Per unit per day for a five calendar day limit - \$6.88

These storage charges shall apply immediately after the expiration of free time and shall be followed by demurrage charges.

(i) Commercial fishing vessels calling at Honolulu Harbor may, with prior permission of the department, off-load their nets for repair or to reduce draft. No charges will be assessed for such storage for the first forty-eight hours in any fifteen-day period. Periods longer than forty-eight hours will be assessed a daily storage rate of \$.008 per square foot per day. [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 2/1/10; comp](Auth: HRS §266-2)
(Imp: HRS §§266-2, 266-17)

§19-44-44 REPEALED. [R 11/7/91]

§19-44-45 Payment and reporting of storage.

(a) The charge for storage of container cargo, shipping devices, cargo in state container freight stations, and loose cargo shall be paid by the vessel, agents, or owners. The collection of storage charges shall be guaranteed by the vessel, agent, shipper, or owner. All storage charges, except container and vehicle cargo, shall be remitted to the department prior to the removal of the cargo or within the period of storage requested, as deemed appropriate by the harbor master. For container and vehicle cargo, the storage charges are due within fifteen working days after the date of completion of approved storage period or before the removal of cargo in cases where cargo goes to demurrage.

(b) Agents, owners, and shippers of container cargo, shipping devices, and automobiles shall submit the storage report on forms approved by the department to the harbor master or the harbor master's authorized representative. Reports and payment for these kinds of cargo and devices are due fifteen working days after the removal of cargo. A delinquent storage report service charge of \$33.00 per month for each required storage report shall be assessed against any party failing to comply with these reporting requirements. [Eff 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp]

(Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)

§19-44-46 Utilities for rentals. Tenants shall arrange directly with utility companies for water, electricity, and telephone hook-up services. For rentals where utility meters are shared, a flat utility rate based on the rental permit shall be assessed. The department shall charge tenants who are not assessed a utility rate the cost of utility

services plus a utilities surcharge of eighteen per cent. [Eff 11/7/91; am and comp 2/26/96; am 3/10/97; comp 2/1/10; comp] (Auth: HRS §§266-2, 266-3) (Imp: HRS §§266-2, 266-3)

§19-44-47 Charges during a state of emergency.

The department may waive or reduce payment of charges such as dockage, wharfage, port entry, cargo storage, or demurrage whenever a state of emergency is declared by the governor of the State and the department determines that waiver of charges is consistent with the provision of humanitarian relief to disaster-stricken areas of the State. [Eff 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-13)

§§19-44-48 to 19-44-50 (Reserved)

SUBCHAPTER 5

RENTAL OF PARKING STALLS

§19-44-51 Rates. (a) The charges for parking stalls at commercial harbors shall be as follows:

	Honolulu Harbor		Other Harbors
	Piers 1 & 2 to Kapalama Stream	Sand Island and Ewa of Kapalama Stream	.
Reserved Parking, Covered	\$157.30 per month	\$121.00 per month	\$90.75 per month

Reserved Parking, Uncovered	\$102.85 per month	\$78.65 per month	\$60.50 per month
Unreserved Parking, Uncovered	\$60.50 per month	\$42.35 per month	\$30.25 per month
Special Permit Parking	\$169.40 per year	\$169.40 per year	\$84.70 per year
Longshoremen (Stevedores)	\$84.70 per quarter	\$84.70 per quarter	\$84.70 per quarter

The harbor master may issue special permits to agents and others who have occasional need to drive private vehicles and park on wharves or other harbor property at the rate of \$8.47 per day per vehicle. [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 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

§19-44-52 Parking meter operating hours and rates. Parking meters shall be in operation twenty-four hours a day, seven days a week, including Saturdays, Sundays, and holidays. Parking or standing a vehicle in a designated space in a parking meter zone shall be lawful upon deposit of the proper coins of the United States of America as indicated on the parking meter or on posted signs in the area. [Eff 5/20/82; am 12/20/85; am 11/7/91; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

§19-44-53 Ground transportation. In accordance with section 19-43-8, the charge per fiscal year for a permit to operate a motor carrier within a state harbor shall be as follows:

	Honolulu Harbor and Barbers Point	Other Harbors
(1) Motor coaches capable of carrying 54 or more passengers	\$632.50	\$632.50
(2) Motor coaches capable of carrying less than 54 passengers	\$550.00	\$550.00
(3) Mini busses capable of carrying a maximum of 25 passengers	\$275.00	\$275.00
(4) Vans, limousines, stretchouts, station wagons, capable of carrying 8 to 17 passengers	\$192.50	\$192.50
(5) Sedans, station wagons, vans, capable of carrying 1 to 7 passengers	\$157.30	\$157.30
(6) Baggage vans for prearranged pickup/delivery only	\$157.30	\$157.30

(7) Taxicabs	\$137.50	\$102.30
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In addition to the foregoing, applicants must demonstrate the following insurance coverage:

	Property Damage Liability Coverage Per occurrence	Bodily Liability Coverage Per occurrence
(1) Vehicles capable of carrying 1-7 passengers	\$25,000	\$300,000
(2) Vehicles capable of carrying 8-17 passengers	\$50,000	\$500,000
(3) Vehicles capable of carrying more than 17 passengers	\$75,000	\$750,000

Taxicab permits shall be placed on the top left side of the dashboard of the vehicle in use and are transferable between vehicles owned by the holder of the permit and covered under an insurance policy recorded with the department. All other permits shall be placed on the right hand side of the rear bumper or as near thereto as the configuration of the vehicle allows.

When an original vehicle for which a permit was issued is taken out of service before the annual expiration date of the permit, a replacement vehicle may utilize the remaining time on the original permit, provided that the original permit is returned or there is sufficient evidence of it being destroyed or removed so as not to be reusable, there is proof of insurance coverage, and a permit renewal fee of \$27.50 is paid for a replacement sticker for the remaining time on the permit. No permit shall be issued for a period longer than one year at a time. [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 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

**§19-44-54 Charges for enclosure or obstruction
of parking meter stalls incidental to construction.(a)**

Before any person, other than any authorized governmental official shall enclose, obstruct, or cause to be enclosed or obstructed any parking stall or portion thereof, incidental to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting or demolishing any building or structure, or for any other reasons, a permit shall be obtained from the department and the department shall be paid a sum calculated at the rate of \$9.63 for each such parking meter stall for each day or fraction of a day, during which each stall shall be enclosed or obstructed.

(b) No permit to enclose or obstruct a parking stall shall be issued to any person until the person shall have made a deposit of the sum as required by subsection (a) based on the estimated number of days during which the parking stall shall be so enclosed or obstructed. The person shall notify the department immediately upon termination of the enclosure or obstruction. [Eff 5/20/82; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-55 REPEALED. [R 2/26/96]

§§19-44-56 to 19-44-60 (Reserved)

SUBCHAPTER 6

WHARFAGE

§19-44-61 Wharfage payment; guarantee; report.

(a) The charge for wharfage is due to be paid by the owners of cargo but the collection of the wharfage shall be guaranteed by the vessel, its master, operator, charterer, agents, or owners. Use of a state wharf by a vessel, its master, operator, charterer, agents, or owners for the loading or unloading of cargo shall be deemed an acceptance and acknowledgment of this guarantee.

(b) Not later than forty-five days after date of completion of handling cargo over state wharves, the master, operator, charterer, agents or owners of a vessel, depending upon who arranged for berthing and services, shall submit to the appropriate district manager an original and one copy of a report for each port visited, on the form provided by the department, furnishing the information required thereon which includes the amount and type of cargo loaded and discharged, the number of units, the applicable rate, and the wharfage charges due per commodity as listed. The total wharfage charges due shall be remitted along with the report.

(c) An alternative reporting method to section 19-44-61(b) for companies involved predominantly in the business of transporting inter-island cargo or intra-island cargo may be a monthly wharfage report, provided that an annual certification based on the company's accounting year is submitted to the department from an independent public accounting firm attesting that the company correctly reported all voyages and wharfage fees due on cargo. Use of this alternative reporting method shall be subject to the prior written approval of the department, and shall be effective for the next fiscal year. The report must be in a format pre-approved by the department and include data from all voyages for which the date of completion of handling cargo occurs within the report month. The monthly wharfage report is due fifteen days after the last day of the month being reported. The total wharfage charges due shall be remitted along with the report. [Eff 5/20/82; am 11/7/91; am and

comp 2/26/96; am and comp 2/1/10; comp]
(Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-62 Manifests available for inspection.

All cargo and freight manifests shall be available for inspection by harbor masters or other officials of the department upon request. [Eff 5/20/82; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2)
(Imp: HRS §266-2)

§19-44-63 Wharfage computation.

(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.

(b) When a vessel unloads cargo at a wharf for emergency purposes and reloads the cargo thereafter at the same wharf, wharfage shall be charged only for the unloading of the cargo and no wharfage shall be assessed for its reloading.

(c) Computation of wharfage for cargo contained in a container other than a shipping device shall include the weight, volume, or measurement of the container. Wharfage on an empty container shall be assessed as provided in this subchapter.

(d) Computation of wharfage for a unit load shall be on the basis of the overall length of the shipping device or its cargo whichever is greater, per linear foot, without regard to contents, except for passenger autos or explosives. When the entire unit

load does not conform to the specified dimensions and weight, wharfage shall be assessed on the contents of a shipping device or overall length of unit load, whichever produces the greater revenue to the department. [Eff 5/20/82; comp 2/26/96; comp 2/1/10; am 12/23/16; comp] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§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 or discharging vessel cargo, ~~[except for situations in which such equipment is placed in shipping devices, that otherwise contain no cargo]~~ including non-revenue generating company business but excluding such equipment when it is revenue-generating 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 12/23/16; am and comp] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§19-44-65 Transshipment of cargo. (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) 50% of the prevailing incoming overseas wharfage charges; and
- (2) 50% of the prevailing outgoing overseas wharfage charges.

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

- (1) Incoming overseas wharfage charges;
- (2) Outgoing inter-island or intra-island transshipment wharfage charges at the port of transshipment; and
- (3) Incoming inter-island or intra-island transshipment wharfage charges at the port of destination.

(c) Outgoing cargo from Hawaiian Island ports that are discharged on state wharves for transshipment on a through bill of lading to ports outside the State shall be subject to:

- (1) Outgoing inter-island or intra-island transshipment wharfage charges at the port of origin;
- (2) Incoming inter-island or intra-island transshipment wharfage charges at the port of transshipment; and
- (3) Outgoing overseas wharfage charges at the port of transshipment.

(d) Outgoing cargo from Hawaiian Island ports that are discharged on state wharves for transshipment on a through bill of lading to other ports within the State shall be subject to:

- (1) Outgoing inter-island or intra-island transshipment wharfage charges at the point of origin;

- (2) Incoming inter-island or intra-island transshipment wharfage charges at the intermediate port;
- (3) Outgoing inter-island or intra-island transshipment wharfage charges at the intermediate port; and
- (4) Incoming inter-island or intra-island transshipment wharfage charges at the port of destination.

(e) Cargo loaded or discharged by a vessel docked at a state facility, either to or from another vessel alongside, or to or from the water, and not passing over a state wharf, shall be subject to one-half the wharfage rate for that operation. [Eff 5/20/82; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/1/10; am 12/23/16; comp] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§19-44-66 Wharfage rates. Wharfage rates in dollars per unit shall be assessed as set forth in the exhibit, dated [~~February 1, 2017,~~] July 1, 2018, entitled [~~"WHARFAGE RATES (February 1, 2017)",~~] "WHARFAGE RATES (July 1, 2018)", 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 [~~February 1, 2017~~] July 1, 2018. 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 12/23/16; am and comp] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§19-44-67 REPEALED. [R 11/7/91]

§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 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 February 1, 2017, entitled "WHARFAGE RATES FOR PIPELINES AND FUEL DELIVERY (February 1, 2017)", 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 February 1, 2017.

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 2/1/10; am 12/23/16; am and comp] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§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 February 1, 2017, entitled "WHARFAGE RATES FOR PIPELINES AND FUEL DELIVERY (February 1, 2017)", 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 February 1, 2017. 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 2/1/10; am 2/1/10; comp] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§19-44-70 Passenger fees. [~~(a) Any passenger vessel which is used for private gain and does not have a valid mooring permit which uses state commercial harbors property or facilities shall pay the following fees in addition to dockage and any other applicable fees:~~

- ~~(1) Per passenger (includes in transit) embarking from shore to ship \$2.50;~~
- ~~(2) Per passenger (includes in transit) disembarking from ship to shore \$2.50; and~~
- ~~(3) Passengers in transit on a vessel on a continuous trip whose point of origin and termination is a state port, a total for disembarking and embarking at each port per passenger \$1.85.~~

~~(b) Beginning on July 1, 2011, any passenger vessel which is used for private gain and does not have a valid mooring permit which uses state commercial harbors property or facilities shall pay the following fees through June 30, 2012, in addition to dockage and any other applicable fees:~~

- ~~(1) Per passenger (includes in transit) embarking from shore to ship \$5.00;~~
- ~~(2) Per passenger (includes in transit) disembarking from ship to shore \$5.00; and~~
- ~~(3) Passengers in transit on a vessel calling on multiple state ports, a total for disembarking and embarking at each transit port per passenger \$5.00.~~

~~Incremental increases shall be assessed as set forth in section 19 44 73.~~

~~(c) Offshore mooring. Any vessel using a state wharf for disembarking and embarking passengers by means of any boat or lighter while moored offshore shall pay a total of 35 cents per passenger disembarking and embarking at each port.~~

~~(d) Report. A report shall be filed with the department on a form provided by the department within fifteen days after date of embarking or disembarking of facilities and the charges due shall be remitted~~

~~along with the report.]~~ (a) Any passenger vessel which uses state commercial harbors property or facilities, is used for private gain, and does not have a valid permit that otherwise addresses passenger fees, shall pay passenger fees as set forth in the exhibit, dated July 1, 2018, entitled "PASSENGER FEES (July 1, 2018)", 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 passenger fees are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated July 1, 2018. Passenger vessels shall also pay dockage, port entry, and any other applicable harbor use fees, except as otherwise provided.

(b) Passenger fees are charged per passenger upon port entry into each state commercial harbor. Passenger fees are charges on a per voyage or per itinerary basis, and will not be charged more than once if a vessel uses a state commercial harbor property or facility more than once on a single voyage or itinerary.

(c) Effective July 1, 2018, facility cleaning costs will be covered by passenger fees and will not be separately charged to passenger vessels.

(d) Each passenger vessel shall file a report with the department on a form provided by the department within fifteen days after the departure of the passenger vessel from the last state commercial harbor used by the vessel on that voyage or itinerary. All charges due shall be remitted along with the report. [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 2/1/10; am and comp] (Auth: HRS §§266-2, 266-17)
(Imp: HRS §§266-2, 266-17)

§19-44-71 REPEALED. [R 11/7/91]

§19-44-72 REPEALED. [R 11/7/91]

§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, shall increase on the following dates by the following percentages:

- (1) February 1, 2017...17% increase over the then prevailing rate;
- (2) October 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) All incoming and outgoing overseas and inter-island/intra-island transshipment unit load cargo rates shall increase as set forth in the exhibit, dated February 1, 2017, entitled "WHARFAGE RATES (February 1, 2017)," 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 February 1, 2017.

~~[(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 and comp 2/01/10; am 12/23/16; am and comp
] (Auth: HRS §§266-2, 266-17)~~

~~(Imp: HRS §§266-2, 266-17)~~

§§19-44-74 to 19-44-75 (Reserved)

SUBCHAPTER 7

FREE TIME AND PENALTY; DEMURRAGE

§19-44-76 Free time computation. Saturdays, Sundays and federal or state holidays shall be excluded in the computation of free time. Free time for incoming cargo shall commence at 12:01 a.m. of the day following the day in which all cargo for the port is discharged from the vessel including cargo that is discharged at more than one pier in the same port. Free time for outgoing cargo shall commence at 12:01 a.m. of the day following the day of delivery of the cargo to the state harbor facility. Free time for cargo unstuffed from a shipping device at a state container freight station shall be computed from 12:01 a.m. of the day following the day in which all cargo has been discharged from the shipping device. [Eff 5/20/82; am 12/5/83; am 11/7/91; comp 2/26/96; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-77 Extension of free time. The harbor master may allow extensions of free time for good cause. [Eff 5/20/82; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-78 Cargo storage assignment. The harbor master may assign storage areas for cargo, charges for which will be assessed in accordance with section 19-44-42, when in the harbor master's judgment such assignment would not adversely affect the fair and efficient management of a wharf. Assignment of storage space shall not be made effective prior to the date request was received. Cargo detained on a state wharf because of a maritime strike affecting cargo handling or delivery shall be placed in storage and free time, if any, shall resume on the first working

day following termination of the strike. [Eff
5/20/82; am 11/7/91; comp 2/26/96; comp 2/1/10;
comp] (Auth: HRS §266-2) (Imp: HRS
§266-2)

§19-44-79 Free time allowances. Free time in
calendar days shall be allowed as set forth in the
following schedule:

FREE TIME
(CALENDAR DAYS)

INCOMING DOMESTIC OVERSEAS CARGO (From U.S. Ports)	INCOMING FOREIGN OVERSEAS (CUSTOMS) CARGO	INCOMING CARGO FROM PORTS WITHIN THE STATE	OUTGOING CARGO	SHIPPING DEVICES
.	.	.	.	Loaded devices at a state container yard:
3	5	3	7	--If less than or equal to 14 devices on a single bill of lading
4	5	4	7	--If more than 14 devices on a single bill of lading
7	7	7	7	Empty devices at a state container yard
2	5	2	2	Devices NOT at a state container yard

3	5	2	-	Cargo unstuffed at a state container freight station
4	4	-	-	Passenger automobiles (14 measurement tons or less)
.	.	4	4	--Oahu
.	.	2	2	--Neighbor Islands
-	-	-	14	Transshipment cargo on a through bill of lading between ports of the state
-	-	-	14	Transshipment cargo on a through bill of lading to ports outside of the state
.	.	.	.	--Bulk cargo (i.e., coal, sand, etc.):
5	5	5	5	----First 20,000 tons
1	1	1	1	----Each additional 5,000 tons
.	.	.	.	All other cargo:
3	5	3	5	--First 2,500 tons

1	1	1	1	--Each additional 1,500 tons or fraction
---	---	---	---	--

Note: For the purpose of computing free time, tonnage shall be the aggregate amount off-loaded in the same port, even if more than one pier is used.

For the purpose of computing free time for a mixed voyage load of "all other cargo", the entire load shall be based on the most restrictive free time (incoming domestic). Adjustments shall be made for transshipments upward to a maximum as indicated above and shall also be made for foreign cargo free time according to the actual tonnage of foreign cargo at the foreign overseas free time.

Transshipment cargo free time for cargo destined for other ports on a through bill of lading and discharged at a state wharf for transshipment from the same wharf shall be limited to the outgoing time allowance for transshipment cargo specified; incoming free time may not be combined with outgoing transshipment free time.

Transshipment cargo free time for cargo destined for other ports on a through bill of lading and discharged at a state wharf for transshipment from another wharf or wharves shall be limited to the applicable incoming free time specified at the first wharf and the incoming free time(s) specified at the second and any other intermediate wharf or wharves preceding the wharf where final transshipment occurs, and the outgoing free time allowance for transshipment cargo specified at the final transshipment wharf.

[Eff 5/20/82; am 12/5/83; am 12/20/85; am 11/7/91; am and comp 2/26/96; comp 2/1/10; comp]

(Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-80 REPEALED. [R 12/5/83]

§19-44-81 Loading and unloading cargo into and out of shipping devices. Loading and unloading cargo, other than motor vehicles, into and out of shipping devices, unless emergency or other circumstances require otherwise and the prior written permission is obtained from the chief of the harbors division, shall be conducted only at container freight stations. [Eff 5/20/82; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-2)

§19-44-82 Computation of demurrage. In the computation of demurrage, the term "ton" shall be applied, either by weight, volume, or board foot measurement, in accordance with carrier's terms of affreightment. Saturdays, Sundays and federal or state holidays shall be included together with the normal weekdays in computing demurrage. Cargo on and in trucks or other vehicles or carriers shall be assessed demurrage in the same manner as cargo remaining directly on a wharf, pier, or terminal area. [Eff 5/20/82; am 11/7/91; comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-14)

§19-44-83 Demurrage rates. Demurrage rates shall be assessed as follows:

- (1) For cargo, other than container cargo and shipping devices, for which wharfage is computed on a tonnage basis, demurrage rates shall be \$1.23 per ton or any fraction of a ton per day for the first five days, and \$2.48 per ton or any fraction of a ton per day for each day thereafter.
- (2) For cargo, other than container cargo and shipping devices, for which wharfage is not computed on a tonnage basis, the demurrage rate shall be sixty per cent of the wharfage rate per unit or any fraction of a unit per day for the first five days, and one hundred

twenty per cent of the wharfage rate per unit or any fraction of a unit for each day thereafter.

- (3) For container cargo and shipping devices, the demurrage shall be:
 - (A) \$0.62 per linear foot per day for the first five days for shipping devices whether loaded or empty and \$1.23 per linear foot per day for each day thereafter which shall be applied immediately at the end of the two-staged five-day storage times.
 - (B) \$2.48 per ton or any fraction of a ton per day for cargo in SCFS unloaded from or to be loaded into a shipping device.
- (4) For automobiles and trucks under 6500 pounds, in containers or otherwise, the demurrage shall be \$9.63 each per day per vehicle for the first five days and \$19.25 per day per vehicle for each day thereafter, which shall be applied immediately at the end of the five-day storage time.
- (5) Vehicles, including trucks and trailer trucks over 6500 pounds, shall be charged in accordance with paragraph (1). [Eff 5/20/82; am 12/5/83; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp
](Auth: HRS §266-2) (Imp:
HRS §§266-14, 266-17)

§19-44-84 Payment of demurrage. The charge for demurrage for container cargo, shipping devices and cargo in SCFS shall be paid by the vessel, its agents or owners. The charge for demurrage on other cargo shall be paid by the owners of the merchandise upon which the charge is assessed but the collection of demurrage charges shall be guaranteed by the vessel, its agents or owners. All demurrage due on SCFS cargo pursuant to this section shall be remitted to the department prior to the close of the month during which such demurrage was collected. Payment for

demurrage for other types of cargo shall be made prior to removal of the cargo from state property. [Eff 5/20/82; am and comp 2/26/96; comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-14)

§19-44-85 Demurrage Cargo Report. Terminal operators shall prepare "Demurrage Cargo Reports" by noon of the day following expiration of free time for cargo for which they are responsible and shall submit the reports to the harbor master or the harbor master's authorized representative. Failure to comply with this requirement will result in the department's assessing the terminal operator an initial delinquent demurrage cargo report service charge of \$137.50 for each instance and a delinquent demurrage cargo report service charge of \$33.00 per month thereafter until the correct filing of the report. [Eff 5/20/82; am 12/20/85; am 11/7/91; comp 2/26/96; am 3/10/97; am and comp 2/1/10; comp] (Auth: HRS §266-2) (Imp: HRS §266-14)

§§19-44-86 to 19-44-90 (Reserved)

SUBCHAPTER 8

PORT ENTRY FEE

§19-44-91 Vessels subject to port entry fee. All vessels shall pay a port entry fee when entering each of the harbors under the jurisdiction of the department including but not limited to Honolulu, Barbers Point, Hilo, Kawaihae, Kahului, Kaunapau, Kaunakakai, Nawiliwili, Port Allen, Hana, and any other harbor otherwise determined to be under the jurisdiction of the department except:

- (1) Government owned or operated vessels paying courtesy, training or official visits, or

engaged in dredging or repair of harbor facilities, or as approved by the department when no cargo or passengers are loaded or off-loaded;

- (2) Fishing, charter fishing, pleasure boats and intra-island cruise boats whose home waters are in the state;
- (3) Vessels carrying passengers intra and inter-island under the authority of the state public utilities commission;
- (4) Vessels re-entering a harbor after a tidal wave alert; or
- (5) Pilot boats when providing pilot services.
[Eff 5/20/82; am 12/5/83; am 11/7/91; am and comp 2/26/96; am and comp 2/1/10; comp
] (Auth: HRS §266-2) (Imp:
HRS §266-2)

§19-44-92 Port entry fee schedule. Port entry fees shall be based upon overall length of vessel in linear feet as ~~[follows:]~~ set forth in the exhibit, dated July 1, 2018, entitled "PORT ENTRY FEE SCHEDULE (July 1, 2018)", 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 port entry rates are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated July 1, 2018.

Length of Vessel Overall in Meters		Overall in Feet		-	-
From	But Less Than	From	But Less Than	Honolulu Harbor and Barbers Point	Other Harbors
0	60.96	0	200	\$34.38	\$27.50

60.96	91.44	200	300	\$68.75	\$48.13
91.44	106.68	300	350	\$103.13	\$68.75
106.68	121.92	350	400	\$158.13	\$96.25
121.92	137.16	400	450	\$192.50	\$123.75
137.16	152.40	450	500	\$268.13	\$165.00
152.40	167.64	500	550	\$309.38	\$192.50
167.64	182.88	550	600	\$357.50	\$220.00
182.88	198.12	600	650	\$398.75	\$247.50
198.12	213.36	650	700	\$446.88	\$275.00
213.36	228.60	700	750	\$481.25	\$295.63
228.60	243.84	750	800	\$515.63	\$316.25
243.84	259.08	800	850	\$570.63	\$350.63
259.08	274.32	850	900	\$611.88	\$378.13
274.32	289.56	900	950	\$660.00	\$398.75
289.56	and over	950	and over	\$701.25	\$419.38

]

For the purpose of computing port entry fee only, a tug and one barge will be considered two vessels. Each additional barge under tow will be considered an additional vessel." [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 2/1/10; am and comp] (Auth: HRS §266-2) (Imp: HRS §§266-2, 266-17)

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

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

4. These amendments to and compilation of chapter 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 of Transportation

APPROVED AS TO FORM:

Deputy Attorney General

EXHIBIT – DOCKAGE RATES (July 1, 2018)

State of Hawaii Department of Transportation - Harbors Division

Full Dockage Rate (\$19-44-20)

Vessel Length			
Greater than (feet)	Less than (feet)	Greater than (meters)	Less than (meters)
0	40	0.00	12.19
40	50	12.19	15.24
50	65	15.24	19.81
65	75	19.81	22.86
75	85	22.86	25.91
85	100	25.91	30.48
100	120	30.48	36.58
120	140	36.58	42.67
140	160	42.67	48.77
160	180	48.77	54.86
180	200	54.86	60.96
200	225	60.96	68.58
225	250	68.58	76.20
250	275	76.20	83.82
275	300	83.82	91.44
300	325	91.44	99.06
325	350	99.06	106.68
350	375	106.68	114.30
375	400	114.30	121.92
400	425	121.92	129.54
425	450	129.54	137.16
450	475	137.16	144.78
475	500	144.78	152.40
500	525	152.40	160.02
525	550	160.02	167.64
550	575	167.64	175.26
575	600	175.26	182.88
600	625	182.88	190.50
625	650	190.50	198.12
650	675	198.12	205.74
675	700	205.74	213.36
700	725	213.36	220.98
725	750	220.98	228.60
750	775	228.60	236.22
775	800	236.22	243.84
800	850	243.84	259.08
850	900	259.08	274.32
900+*		274.32+*	

Effective July 1, 2018			
COLUMN 1	COLUMN 2 Smaller Commercial Vessels	COLUMN 3 Inter- or Intra-island Vessels	COLUMN 4 Other Vessels
N/A	9.24	N/A	N/A
N/A	10.56	N/A	N/A
N/A	14.52	N/A	N/A
5.50	17.16	17.88	34.38
5.67	23.76	24.75	41.25
5.78	33.00	34.38	55.00
5.94	39.60	41.25	61.88
6.05	46.20	48.13	68.75
6.16	52.80	55.00	82.50
6.33	59.40	61.88	96.25
6.44	66.00	68.75	116.88
6.60	79.20	82.50	130.63
6.93	92.40	96.25	158.13
7.26	105.60	110.00	178.75
7.59	118.80	123.75	206.25
N/A	N/A	151.25	247.50
N/A	N/A	178.75	295.63
N/A	N/A	206.25	343.75
N/A	N/A	247.50	412.50
N/A	N/A	288.75	481.25
N/A	N/A	330.00	550.00
N/A	N/A	371.25	618.75
N/A	N/A	412.50	687.50
N/A	N/A	474.38	790.63
N/A	N/A	536.25	893.75
N/A	N/A	618.75	1,031.25
N/A	N/A	701.25	1,168.75
N/A	N/A	783.75	1,306.25
N/A	N/A	866.25	1,443.75
N/A	N/A	948.75	1,581.25
N/A	N/A	1,031.25	1,718.75
N/A	N/A	1,113.75	1,856.25
N/A	N/A	1,237.50	2,062.50
N/A	N/A	1,402.50	2,337.50
N/A	N/A	1,567.50	2,612.50
N/A	N/A	1,732.50	2,887.50
N/A	N/A	1,897.50	3,162.50
N/A	N/A	N/A	3,162.50
For vessels longer than 900 linear feet or 274.32 meters, the dockage rate is \$3,162.50 plus an additional \$9.15 per additional linear foot or fraction thereof (or \$30.00 per additional linear meter or fraction thereof).			

Effective July 1, 2019			
COLUMN 1	COLUMN 2 Smaller Commercial Vessels	COLUMN 3 Inter- or Intra-island Vessels	COLUMN 4 Other Vessels
N/A	11.00	N/A	N/A
N/A	12.75	N/A	N/A
N/A	17.50	N/A	N/A
6.50	20.50	21.50	41.25
6.75	28.50	29.75	49.50
7.00	39.50	41.25	66.00
7.25	47.50	49.50	74.25
7.25	55.50	57.75	82.50
7.50	63.25	66.00	99.00
7.50	71.25	74.25	115.50
7.75	79.25	82.50	140.25
8.00	95.00	99.00	156.75
8.25	111.00	115.50	189.75
8.75	126.75	132.00	214.50
9.00	142.50	148.50	247.50
N/A	N/A	181.50	297.00
N/A	N/A	214.50	354.75
N/A	N/A	247.50	412.50
N/A	N/A	297.00	495.00
N/A	N/A	346.50	577.50
N/A	N/A	396.00	660.00
N/A	N/A	445.50	742.50
N/A	N/A	495.00	825.00
N/A	N/A	569.25	948.75
N/A	N/A	643.50	1,072.50
N/A	N/A	742.50	1,237.50
N/A	N/A	841.50	1,402.50
N/A	N/A	940.50	1,567.50
N/A	N/A	1,039.50	1,732.50
N/A	N/A	1,138.50	1,897.50
N/A	N/A	1,237.50	2,062.50
N/A	N/A	1,336.50	2,227.50
N/A	N/A	1,485.00	2,475.00
N/A	N/A	1,683.00	2,805.00
N/A	N/A	1,881.00	3,135.00
N/A	N/A	2,079.00	3,465.00
N/A	N/A	2,277.00	3,795.00
N/A	N/A	N/A	3,795.00
For vessels longer than 900 linear feet or 274.32 meters, the dockage rate is \$3,795.00 plus an additional \$10.52 per additional linear foot or fraction thereof (or \$34.50 per additional linear meter or fraction thereof).			

EXHIBIT – DOCKAGE RATES (July 1, 2018)

State of Hawaii Department of Transportation - Harbors Division

Full Dockage Rate (\$19-44-20)

Vessel Length			
Greater than (feet)	Less than (feet)	Greater than (meters)	Less than (meters)
0	40	0.00	12.19
40	50	12.19	15.24
50	65	15.24	19.81
65	75	19.81	22.86
75	85	22.86	25.91
85	100	25.91	30.48
100	120	30.48	36.58
120	140	36.58	42.67
140	160	42.67	48.77
160	180	48.77	54.86
180	200	54.86	60.96
200	225	60.96	68.58
225	250	68.58	76.20
250	275	76.20	83.82
275	300	83.82	91.44
300	325	91.44	99.06
325	350	99.06	106.68
350	375	106.68	114.30
375	400	114.30	121.92
400	425	121.92	129.54
425	450	129.54	137.16
450	475	137.16	144.78
475	500	144.78	152.40
500	525	152.40	160.02
525	550	160.02	167.64
550	575	167.64	175.26
575	600	175.26	182.88
600	625	182.88	190.50
625	650	190.50	198.12
650	675	198.12	205.74
675	700	205.74	213.36
700	725	213.36	220.98
725	750	220.98	228.60
750	775	228.60	236.22
775	800	236.22	243.84
800	850	243.84	259.08
850	900	259.08	274.32
900+*		274.32+*	

Effective July 1, 2020			
COLUMN 1	COLUMN 2 Smaller Commercial Vessels	COLUMN 3 Inter- or Intra-island Vessels	COLUMN 4 Other Vessels
N/A	12.75	N/A	N/A
N/A	14.75	N/A	N/A
N/A	20.25	N/A	N/A
7.50	23.50	24.75	47.50
7.75	32.75	34.25	57.00
8.00	45.50	47.50	76.00
8.25	54.75	57.00	85.50
8.25	63.75	66.50	95.00
8.50	72.75	76.00	113.75
8.75	82.00	85.50	132.75
9.00	91.25	95.00	161.25
9.00	109.25	113.75	180.25
9.50	127.75	132.75	218.25
10.00	145.75	151.75	246.75
10.50	164.00	170.75	284.75
N/A	N/A	208.75	341.50
N/A	N/A	246.75	408.00
N/A	N/A	284.75	474.50
N/A	N/A	341.50	569.25
N/A	N/A	398.50	664.25
N/A	N/A	455.50	759.00
N/A	N/A	512.25	854.00
N/A	N/A	569.25	948.75
N/A	N/A	654.75	1,091.00
N/A	N/A	740.00	1,233.50
N/A	N/A	854.00	1,423.25
N/A	N/A	967.75	1,613.00
N/A	N/A	1,081.50	1,802.75
N/A	N/A	1,195.50	1,992.50
N/A	N/A	1,309.25	2,182.25
N/A	N/A	1,423.25	2,372.00
N/A	N/A	1,537.00	2,561.75
N/A	N/A	1,707.75	2,846.25
N/A	N/A	1,935.50	3,225.75
N/A	N/A	2,163.25	3,605.25
N/A	N/A	2,390.75	3,984.75
N/A	N/A	2,618.50	4,364.25
N/A	N/A	N/A	4,364.25
For vessels longer than 900 linear feet or 274.32 meters, the dockage rate is \$4,364.25 plus an additional \$12.20 per additional linear foot or fraction thereof (or \$40.00 per additional linear meter or fraction thereof).			

Effective July 1, 2021			
COLUMN 1	COLUMN 2 Smaller Commercial Vessels	COLUMN 3 Inter- or Intra-island Vessels	COLUMN 4 Other Vessels
N/A	14.75	N/A	N/A
N/A	17.00	N/A	N/A
N/A	23.25	N/A	N/A
8.75	27.00	28.50	54.75
9.00	37.75	39.50	65.50
9.25	52.25	54.75	87.50
9.50	63.00	65.50	98.25
9.50	73.25	76.50	109.25
9.75	83.75	87.50	130.75
10.00	94.25	98.25	152.75
10.25	105.00	109.25	185.50
10.25	125.75	130.75	207.25
11.00	147.00	152.75	251.00
11.50	167.50	174.50	283.75
12.00	188.50	196.25	327.50
N/A	N/A	240.00	392.75
N/A	N/A	283.75	469.25
N/A	N/A	327.50	545.75
N/A	N/A	392.75	654.75
N/A	N/A	458.25	764.00
N/A	N/A	523.75	872.75
N/A	N/A	589.00	982.00
N/A	N/A	654.75	1,091.00
N/A	N/A	753.00	1,254.75
N/A	N/A	851.00	1,418.50
N/A	N/A	982.00	1,636.75
N/A	N/A	1,113.00	1,855.00
N/A	N/A	1,243.75	2,073.25
N/A	N/A	1,374.75	2,291.50
N/A	N/A	1,505.75	2,509.50
N/A	N/A	1,636.75	2,727.75
N/A	N/A	1,767.50	2,946.00
N/A	N/A	1,964.00	3,273.25
N/A	N/A	2,225.75	3,709.50
N/A	N/A	2,487.75	4,146.00
N/A	N/A	2,749.25	4,582.50
N/A	N/A	3,011.25	5,019.00
N/A	N/A	N/A	5,019.00
For vessels longer than 900 linear feet or 274.32 meters, the dockage rate is \$4,364.25 plus an additional \$12.20 per additional linear foot or fraction thereof (or \$40.00 per additional linear meter or fraction thereof).			

EXHIBIT – PORT ENTRY FEE SCHEDULED (July 1, 2018)

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)

		Rates effective 2/1/2017			Rates effective 10/1/2017			Rates effective 7/1/2018 ²		
Overseas includes Foreign & Domestic Cargo		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	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Autos & trucks under 6500# in Shipping Device	Each	40.60	24.35	24.35	46.69	28.00	28.00	53.69	32.20	32.20
Autos & trucks under 6500#, Other	Each	40.60	24.35	24.35	46.69	28.00	28.00	53.69	32.20	32.20
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	104.34	57.97	57.97	119.99	66.67	66.67	137.99	76.67	76.67
Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, Over 24' to 45'	208.69	115.93	115.93	239.99	133.32	133.32	275.99	153.32	153.32
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'	313.04	173.90	173.90	360.00	199.99	199.99	353.27	196.25	196.25
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	57.97	N/A	N/A	66.67	N/A	N/A	76.67
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 24' to 45'	N/A	N/A	115.93	N/A	N/A	133.32	N/A	N/A	153.32
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	173.90	N/A	N/A	199.99	N/A	N/A	196.25
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	34.78	N/A	N/A	40.00	N/A	N/A	46.00

EXHIBIT – WHARFAGE RATES (July 1, 2018)

		Rates effective 2/1/2017			Rates effective 10/1/2017			Rates effective 7/1/2018 ²		
Overseas includes Foreign & Domestic Cargo		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	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
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	Each, Over 24' to 45'	N/A	N/A	69.56	N/A	N/A	79.99	N/A	N/A	91.99
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	Each, Over 45'	N/A	N/A	104.35	N/A	N/A	120.00	N/A	N/A	117.75
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)	Each, 24' and under	5.28	N/A	N/A	6.07	N/A	N/A	6.98	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)	Each, Over 24' to 45'	9.49	N/A	N/A	10.91	N/A	N/A	12.55	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)	Each, Over 45'	14.24	N/A	N/A	16.38	N/A	N/A	16.06	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	Each	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	Each	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Unit Load, Island Agricultural Products	Each,	30.59 ¹	30.59	30.59	35.18 ¹	35.18	35.18	40.46 ¹	40.46	40.46

EXHIBIT – WHARFAGE RATES (July 1, 2018)

Overseas includes Foreign & Domestic Cargo		Rates effective 2/1/2017			Rates effective 10/1/2017			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	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
	24' and under									
Unit Load, Island Agricultural Products	Each, Over 24' to 45'	61.24 ¹	61.24	61.24	70.43 ¹	70.43	70.43	80.99 ¹	80.99	80.99
Unit Load, Island Agricultural Products	Each, Over 45'	91.85 ¹	91.85	91.85	105.63 ¹	105.63	105.63	103.67 ¹	103.67	103.67
Dry Bulk Cargo, NOS, Not Otherwise Specified	Ton	2.59	1.76	1.76	2.98	2.02	2.02	3.43	2.32	2.32
Dry Bulk Cargo, utilizing approved conveyors including bins and hoppers 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
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	1.76	0.97	0.97	2.02	1.12	1.12	2.32	1.29	1.29
Aggregate/sand materials	Ton	2.59	1.76	1.76	2.98	2.02	2.02	3.43	2.32	2.32
Scrap metal	Ton	3.31 ¹	2.33	2.33	3.81 ¹	2.68	2.68	4.38 ¹	3.08	3.08
Explosives (in shipping devices or otherwise)	Ton	36.80	24.47	24.47	42.32	28.14	28.14	48.67	32.36	32.36
General Merchandise NOS	Ton	4.92	3.18	3.18	5.66	3.66	3.66	6.51	4.21	4.21
Livestock NOS	Head	3.31	2.33	2.33	3.81	2.68	2.68	4.38	3.08	3.08
Recreational Animals	Head	6.67	4.63	4.63	7.67	5.32	5.32	8.82	6.12	6.12
Hogs, sheep, goats	Head	1.55	0.88	0.88	1.78	1.01	1.01	2.05	1.16	1.16
Lumber, (for surfaced lumber, use net board feet)	MBF	7.69	5.04	5.04	8.84	5.80	5.80	10.17	6.67	6.67
Lumber	Ton	4.92	3.18	3.18	5.66	3.66	3.66	6.51	4.21	4.21
Island Ag products-Produce	Ton	1.55 ¹	1.02	1.02	1.78 ¹	1.17	1.17	2.05 ¹	1.35	1.35
Island Ag products-N.O.S.	Ton	1.55 ¹	1.02	1.02	1.78 ¹	1.17	1.17	2.05 ¹	1.35	1.35
Pineapple, fresh in bins, destined for storage, manipulation, or manufacturing for ultimate export	Ton	N/A	0.50	0.50	N/A	0.58	0.58	N/A	0.67	0.67
Sugar, in bulk	Ton	1.06 ¹	N/A	N/A	1.22 ¹	N/A	N/A	1.40 ¹	N/A	N/A
Produce, palleted (island grown vegetables and fruit only) when freight charge is per pallet load of approximately 1/2 ton	Pallet Load	N/A	0.62	0.62	N/A	0.71	0.71	N/A	0.82	0.82
Returnable empty bins, pallets and drums; NOS, per unit of 300 cu. ft. or fraction thereof	Each	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

EXHIBIT – WHARFAGE RATES (July 1, 2018)

Overseas includes Foreign & Domestic Cargo		Rates effective 2/1/2017			Rates effective 10/1/2017			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	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
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	4.63	3.90	3.90	5.32	4.49	4.49	6.12	5.16	5.16
Surcharge-Reefer	Each	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85
Surcharge-CFS	Ton	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 – PASSENGER FEES (July 1, 2018)

State of Hawaii Department of Transportation - Harbors Division

Passenger Fees (§19-44-70)

Port	Passenger Fee
Honolulu	15.00
Kalaeloa Barbers Point	8.00
Hilo	8.00
Kawaihae	8.00
Kahului	8.00
Kaunakakai	8.00
Kaumalapau	8.00
Nawiliwili	8.00
Port Allen	8.00
<p>Passenger fees are charged per passenger upon port entry into each state commercial harbor. Passenger fees are charges on a per voyage or per itinerary basis, and will not be charged more than once if a vessel uses a state commercial harbor property or facility more than once on a single voyage or itinerary.</p> <p>Effective July 1, 2018, facility cleaning costs will be covered by passenger fees and will not be separately charged to passenger vessels.</p> <p>Each passenger vessel shall file a report with the department on a form provided by the department within fifteen days after the departure of the passenger vessel from the last state commercial harbor used by the vessel on that voyage or itinerary. All charges due shall be remitted along with the report.</p>	

EXHIBIT – PORT ENTRY FEE SCHEDULE (July 1, 2018)

State of Hawaii Department of Transportation - Harbors Division

Port Entry Fee Schedule (\$19-44-92)

Vessel Length				Effective July 1, 2018		Effective July 1, 2019		Effective July 1, 2020		Effective July 1, 2021	
Greater than (feet)	Less than (feet)	Greater than (meters)	Less than (meters)	Honolulu or Kalaeloa Barbers Point Harbors	All Other Harbors	Honolulu or Kalaeloa Barbers Point Harbors	All Other Harbors	Honolulu or Kalaeloa Barbers Point Harbors	All Other Harbors	Honolulu or Kalaeloa Barbers Point Harbors	All Other Harbors
0	200	0.00	60.96	34.38	27.50	41.25	33.00	47.50	38.00	54.75	43.75
200	300	60.96	91.44	68.75	48.13	82.50	57.75	95.00	66.50	109.25	76.50
300	350	91.44	106.68	103.13	68.75	123.75	82.50	142.25	95.00	163.50	109.25
350	400	106.68	121.92	158.13	96.25	189.75	115.50	218.25	132.75	251.00	152.75
400	450	121.92	137.16	192.50	123.75	231.00	148.50	265.75	170.75	305.50	196.25
450	500	137.16	152.40	268.13	165.00	321.75	198.00	370.00	227.75	425.50	262.00
500	550	152.40	167.64	309.38	192.50	371.25	231.00	427.00	265.75	491.00	305.50
550	600	167.64	182.88	357.50	220.00	429.00	264.00	493.25	303.50	567.25	349.00
600	650	182.88	198.12	398.75	247.50	478.50	297.00	550.25	341.50	632.75	392.75
650	700	198.12	213.36	446.88	275.00	536.25	330.00	616.75	379.50	709.25	436.50
700	750	213.36	228.60	481.25	295.63	577.50	354.75	664.25	408.00	764.00	469.25
750	800	228.60	243.84	515.63	316.25	618.75	379.50	711.50	436.50	818.25	502.00
800	850	243.84	259.08	570.63	350.63	684.75	420.75	787.50	483.75	905.75	556.25
850	900	259.08	274.32	611.88	378.13	734.25	453.75	844.50	521.75	971.25	600.00
900+*	274.32+*			611.88+*	378.13+	734.25+	453.75+	844.50+	521.75+	971.25+*	600.00+*
				* - For vessels longer than 900 linear feet or 274.32 meters, the port entry rate for Honolulu and Kalaeloa Barbers Point Harbors is \$611.88 plus an additional \$2.13 per additional linear foot or fraction thereof (or \$7.00 per additional linear meter or fraction thereof), and the port entry rate for all other harbors is \$378.13 plus an additional \$1.52 per additional linear foot or fraction thereof (or \$5.00 per additional linear meter or fraction thereof).		* - For vessels longer than 900 linear feet or 274.32 meters, the port entry rate for Honolulu and Kalaeloa Barbers Point Harbors is \$734.25 plus an additional \$2.45 per additional linear foot or fraction thereof (or \$8.05 per additional linear meter or fraction thereof), and the port entry rate for all other harbors is \$453.75 plus an additional \$1.75 per additional linear foot or fraction thereof (or \$5.75 per additional linear meter or fraction thereof).		* - For vessels longer than 900 linear feet or 274.32 meters, the port entry rate for Honolulu and Kalaeloa Barbers Point Harbors is \$844.50 plus an additional \$2.82 per additional linear foot or fraction thereof (or \$9.25 per additional linear meter or fraction thereof), and the port entry rate for all other harbors is \$521.75 plus an additional \$2.01 per additional linear foot or fraction thereof (or \$6.60 per additional linear meter or fraction thereof).		* - For vessels longer than 900 linear feet or 274.32 meters, the port entry rate for Honolulu and Kalaeloa Barbers Point Harbors is \$844.50 plus an additional \$2.82 per additional linear foot or fraction thereof (or \$9.25 per additional linear meter or fraction thereof), and the port entry rate for all other harbors is \$521.75 plus an additional \$2.01 per additional linear foot or fraction thereof (or \$6.60 per additional linear meter or fraction thereof).	