DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Adoption of Chapter 15-213
Hawaii Administrative Rules

November 5, 2008

Chapter 15-213, Hawaii Administrative Rules, entitled "Kewalo Basin Rules for Motor Vehicles", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

SUBTITLE 4

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

CHAPTER 213

KEWALO BASIN RULES FOR MOTOR VEHICLES

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KEWALO BASIN RULES FOR MOTOR VEHICLES

SUBCHAPTER 1

GENERAL CONTROLS

§15-213-1 Applicability of statutes, traffic codes, and ordinances. State statutes, the traffic code and any other applicable ordinances of the city and county of Honolulu, shall apply to the operation of motor vehicles on the parking areas, piers, and roadways of the harbor just as though the parking areas, piers, and roadways were a part of the public streets, roads or highways of the particular county involved and are incorporated by reference in these rules. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-2 Jurisdiction of harbormaster over vehicles. Any vehicle operating on any pier or within the harbor facility shall be subject to the jurisdiction and control of the harbormaster. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-3 Licensing, safety inspection and insurance. No motor vehicle shall be operated or parked at the Kewalo Basin unless such vehicle is currently licensed and registered by the appropriate governmental agency and has the requisite evidence of a valid and current safety inspection. No motor vehicle shall be operated, used or parked at Kewalo Basin facility unless such motor vehicle is insured at all times under a no-fault policy which provides the coverage required by chapter 431:10C-301, Hawaii Revised Statutes. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-4 Operation of vehicles. (a) No motor vehicle shall be operated on a pier or within the harbor facility in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution or circumspection, or at a speed or in a manner which endangers or is likely to endanger persons or property, or while the operator thereof is under the influence of intoxicating liquor, narcotic or habit-forming drug, or if such vehicle is so constructed, equipped, loaded or in such other condition as to endanger or be likely to endanger other persons or the property of another.

(b) No person shall operate or use a motor vehicle on the pier or within the Kewalo Basin facility, unless the person is restrained by a seat belt assembly. While the motor vehicle is in use or operation, every passenger:

(1) Age four or over in the front seat of a motor vehicle shall be restrained by a seat belt assembly;

(2) Age seventeen or under in the back seat of a motor vehicle shall be restrained be a seat belt assembly; and

(3) Age of less than four shall be restrained by an approved child passenger restraint system in the front seat or back seat.

(c) In addition to subsections (a) and (b) above, no person shall stand in the bed of any pickup truck while the pickup truck is in operation. For the purposes of this subsection, a "pickup truck" is defined as a truck with a cab on the front part of the vehicle covering the driver's seat, a bed behind the cab designed primarily to transport property or cargo, with sides and a tailgate to retain the contents within the confines of the bed, and has a maximum gross vehicle weight rating of 11,000 pounds or less. No operator of any pickup truck shall operate the vehicle with a passenger(s) in the bed of the vehicle 12-years old or younger, nor with any passenger(s) older than 12 unless the passenger(s) is seated and the following conditions are met:

(1) There is no seating available in the cab of the vehicle;

(2) The sides of the bed are securely attached and the tailgate is securely closed; and

(3) Every passenger in the bed of the pickup truck is seated in the bed and does not attempt to control unlashed cargo. This subsection shall not apply to persons identified in section 291-14(b), Hawaii Revised Statutes. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-5 Traffic controls. All persons operating a motor vehicle on a pier or within the harbor facility must comply with any lawful order, notice, signal or direction of any county police officer, Kewalo basin security vendor, state law enforcement officer, or special police officer. When such traffic is controlled by traffic lights, signs,

mechanical or electrical signals or pavement markings, such lights, signs, signals and markings on the pier or within the Kewalo Basin facility shall be obeyed unless directed otherwise by any county police officer, Kewalo basin security vendor, state law enforcement officer, or special police officer. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-6 Parking fees and charges. No person shall use any public parking area without payment of parking fees and charges as may from time to time be prescribed by the HCDA. The HCDA may establish fees and charges for any such areas as convenience and the efficient public use of Kewalo Basin facility may dictate. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-7 Removal of vehicles. The HCDA may detain, tow, move, or cause to be moved to an impounding area, any motor vehicle:

(1) For non-payment of parking charges when such vehicle is parked in parking areas operated by the HCDA;
(2) Which has been continuously in a vehicular parking area operated by the HCDA for a period of more than forty-eight hours, except when prior arrangements have been made therefore;
(3) When the position or location of the vehicle creates a nuisance or a hazard; and
(4) When parked in violation of section 15-213-6.

Any motor vehicle detained, towed, or moved pursuant to this section shall be so detained, towed, or moved at the owner's risk and expense and without liability for any damage which may result. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-8 Ground transportation. No person shall operate a vehicle within the Kewalo Basin facility as a motor carrier for the purpose of standing, parking, or waiting to pick up passengers at locations other than taxi stalls under permit in accordance with county ordinances, without first securing a permit therefore from the HCDA. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-9 Admittance into cargo storage areas. No vehicle shall be admitted upon any wharf or in any other area used for the storage of cargo except for the purpose of delivering or picking up cargo unless the owner thereof or the owner's authorized agent shall have been granted a permit by the harbormaster. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-10 Speed limits. Unless otherwise indicated by appropriate traffic signs:

(1) Trucks and other vehicles entering upon a wharf under control of the HCDA for the purpose of delivering or picking up cargo shall not be driven while on such wharf at a speed greater than ten miles an hour; and

(2) Vehicles on roadways adjacent to wharves and pier sheds shall not be driven at a speed greater than fifteen miles an hour, unless otherwise indicated by appropriate traffic signs. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-11 Emergency type vehicles. Ambulances or other vehicles being used, or to be used to transport the sick or infirm, as well as fire, police or health department vehicles may enter the Kewalo Basin facility without a permit. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

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§§15-213-12 to 15-213-18 (Reserved)

SUBCHAPTER 2

PARKING

§15-213-19 Scope of the subchapter. This subchapter shall regulate parking within parking meter zones, reserved off-street parking zones, and unreserved off-street parking zones located within the Kewalo Basin. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-20 Parking stalls; authorization. The HCDA may establish, mark, and designate, where there is need therefore, a consecutive series of parking stalls for the parallel or angle parking of motor vehicles upon any area so designated for that purpose. Wherever parking stalls are so established, marked off, and designated, the driver of any vehicle, excepting only single vehicles of a greater length or width, shall park such vehicle completely within a designated stall. Unless otherwise authorized, each stall shall be for the use of a single vehicle only, and it shall be unlawful for the driver of any vehicle to park such vehicle in a stall already occupied by another vehicle. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-21 Reserved parking stalls. The HCDA may establish reserved parking stalls. The harbormaster may direct where vehicles are to park and designate reserved parking stalls. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-22 Tow zone or tow-away zone. Any county police officer, Kewalo basin security vendor, state law enforcement officer, or special police officer may remove or cause to be removed any vehicle that is left unattended or parked in a tow zone or tow-away zone at all hours of any day on the streets or portions thereof. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-23 Authority to remove illegally parked cars. The HCDA may remove or cause to be removed:

(1) Any vehicle which is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

(2) Any vehicle which is left unattended upon a street, or area within the Kewalo Basin, which interferes with or impedes construction or repairs made thereon, provided adequate signs giving notice of construction and prohibiting such parking and designating the time of prohibition are properly posted by the HCDA; and

(3) Any vehicle which is left unattended upon any portion or area within the harbor facility within ten feet of a fire hydrant. The registered owner of the vehicle shall be liable for all reasonable expenses incurred by such removal. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-24 Parking prohibitions. Except in areas designated by HCDA, no person shall park a vehicle upon any roadway, wharf, apron, or area within the harbor facility:

(1) For the purposes of parking, washing, polishing, greasing, or repairing such vehicle except repairs necessitated by an emergency;

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(2) For the purpose of displaying such vehicle for sale; or
(3) In contradiction with officially posted traffic signs. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-25 Curb markings. Color code curb markings shall be as follows:
(1) Whenever any curb markings are to be used to designate that curbside stopping, standing, or parking are prohibited within a certain area, such markings shall be red in color; and
(2) Whenever any curb markings are to be used to designate loading zones, such markings shall be yellow in color. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-26 Traffic lane markings. Whenever traffic is controlled by pavement markings, such markings shall be white in color. When a broken line is used for a center or lane line, such a line is a guideline and may not be crossed by vehicular traffic, unless such movement can be made with safety. When traffic cones are used by proper authority to temporarily control the flow of traffic in lanes other than designated by the permanent pavement markings, the lines designated by the cones shall have the same regulatory effect as the permanent markings. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-27 Parking zones. Parking zones are divided into three categories:
(1) Parking meter zone;
(2) Reserved parking zone; and
(3) Unreserved parking zone.
[Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-28 Restricted or special parking. The harbormaster may prohibit or restrict the parking of any vehicle on the whole or any portion of any roadway, parking lot, or other location, which is (1) affected by construction, repairs, or maintenance activities, or (2) a part of the route of a parade or a procession, or (3) necessary for or on any other special occasion. Notice of such prohibition or restriction shall be given by the erection or placement of appropriate temporary signs. When such signs are erected or placed, it shall be unlawful to park or leave unattended any vehicle in violation of such signs and the HCDA may remove or cause to be removed, at the owner's expense, any vehicle left unattended or parked in violation of such signs. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-29 Parking meter zone. The HCDA may establish parking meter zones, which may include mixed categories, within all areas of the harbor facility. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-30 Designation of parking meter stalls. The HCDA shall establish, mark, and designate individual parking meter stalls for the parking of a single vehicle in each space in the parking meter zones as designated in accordance with section 15-213-29. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-31 Placement of parking meters. The parking meters installed in the parking meter zones shall be placed at the entrance to the zone or upon the curb immediately adjacent to the individual parking stalls. Each parking meter shall give a receipt or be placed or set in such manner as to show or display by a signal that the parking stall adjacent

to such meter is or is not legally in use. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-32 Method of parking. When a parking stall in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking stall shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter; when a parking stall in any parking meter zone is diagonal or perpendicular to the curb or sidewalk, any vehicle parked in any stall shall be parked with the foremost part of such vehicle nearest to such meter. [Eff DEC 0 3 2008 (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-33 Meter operating hours. Meter operating hours for legal parking shall be as designated on the appropriate posted signs nearby. [Eff DEC 0 3 2008 (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-34 Operation of parking meters. Except in a period of emergency determined by the HCDA, an officer of a county fire or police department, or state law enforcement officer, or in compliance with the directions of a police officer, Kewalo basin security vendor, state law enforcement officer, or traffic control sign or signal when, during meter operating hours, any vehicle is parked, stopped or standing in any parking stall alongside or next to which a parking meter is located, the operator of such vehicle shall, upon entering the parking stall, immediately deposit or cause to be deposited in the parking meter, such proper coin of the United States as is required for such parking meter. When designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin

or coins, shall also set in operation the timing mechanism on such meter in accordance with the directions properly appearing thereon. The failure to deposit such proper coin, and the failure to set the timing mechanism in operation when so required, shall constitute a violation of this section. Upon the deposit of such coin (and the setting of the timing mechanism in operation when so required), the parking stall may be lawfully occupied by such vehicle during the period of time which has been prescribed for the area in which the parking stall is located, provided that any person placing a vehicle in a parking meter stall adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the stall shall not be required to deposit a coin so long as the occupancy of the stall does not exceed the indicated unused parking time. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-35 Reserved parking zone. The HCDA may establish reserved parking zones within all areas of the harbor facility. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-36 Parking time limits. Parking or standing a vehicle in a designated stall in a reserved parking zone or an unreserved parking zone shall be by permit or in accordance with appropriately posted traffic signs. [Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-37 Parking by permit. No person shall use any public parking area without payment of parking fees and charges as may from time to time be prescribed by the HCDA. Notwithstanding any other provisions of this part to the contrary, a person may park a motor vehicle in a parking stall, in a parking meter zone, in excess of the time limit and without

depositing coins in the parking meter located adjacent to the parking stall if the person has been issued by the HCDA a parking permit in the form of a card to be displayed on a dashboard, or a decal on the bumper, and displays this permit for the designated parking area. The decal shall be affixed on the right hand side of the rear bumper or as near thereto as the configuration of the motor vehicle allows.
[Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§15-213-38 Violations. It shall be unlawful for any person to violate any of the following provisions:

(1) To cause, allow, permit, or suffer any vehicle registered in the name of, or operated by such person to be parked over-time, or beyond the period of legal parking time established for any parking meter zone as established by the HCDA, unless the vehicle occupying the parking stall displays a valid parking permit issued by the HCDA;
(2) To permit any vehicle to remain or be placed in any parking stall adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying such parking stall has already been parked beyond the period prescribed for such parking stall;
(3) To park any vehicle across any line or marking of a parking meter stall or in such position that the vehicle shall not be entirely within the area designated by such lines or markings;
(4) To deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under these rules;
(5) To deposit or cause to be deposited in any parking meter any slugs, device or metal substance, or other substitute for lawful United States coins;

(6) To fail to pay the charges as required for parking meters or reserved parking areas, unless the vehicle occupying the parking stall displays a valid parking permit issued by the HCDA;
(7) To tamper with or damage any vehicle other than a person's own parked in a public parking facility or area;
(8) To disregard any official direction, instruction, or restriction indicated by or on official signs posted therein;
(9) To park, stop, or stand a towing vehicle with boat trailer attached in any parking meter stall, or reserved stall so designated and properly assigned;
(10) To permit another person not entitled thereto, to use or have possession of a parking permit; or
(11) To avoid or attempt to avoid compliance with this section by affixing to a vehicle, a parking permit not authorized by the HCDA.
[Eff DEC 0 3 2008] (Auth: HRS §206E-4) (Imp: HRS §206E-4)

§§15-213-39 to 15-213-45 (Reserved)

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Chapter 15-213, Hawaii Administrative Rules, on the Summary Page dated November 5, 2008, was adopted on November 5, 2008, following a public hearing held on August 1, 2007, after public notice was given in the Honolulu Star-Bulletin, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Isle on July 2, 2007.

The adoption of Chapter 15-213 shall take effect ten days after filing with the Office of the Lieutenant Governor.

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APPROVED AS TO FORM:

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Date: NOV 24 2008

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LIEUTENANT GOVERNOR'S OFFICE

Filed

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