

**HAWAII ADMINISTRATIVE RULES**

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 3

PUBLIC LIBRARIES

CHAPTER 200.8

CIRCULATION FINES, FEES, AND CHARGES

Historical note: This chapter is based substantially upon chapter 8-200.1, "General Procedures for Library Services and the Use and Loan of Library Materials". [Eff 1/2/96; am and comp 1/7/99; R 05/24/2010]

**§8-200.8-1 Applicability.** This chapter is applicable to all library services and the use or loan of library material, unless otherwise specifically provided in other chapters. This chapter does not apply to the loan of materials from the library for the blind and physically handicapped and the federal documents unit of the Hawaii state library, and to school library cards issued at public and school libraries. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-2 General provisions.** (a) The borrowing of library materials is a privilege.

(b) There shall be no limit on the number of library materials borrowed or enhanced services provided, unless specified, and except that any library customer owing \$10 or more in outstanding fines, fees, or charges shall be denied borrowing or enhanced service

privileges until full payment is made or the delinquency is reduced below \$10.

(c) A library customer shall be responsible for the care, custody, or maintenance of all library material borrowed or used by the customer or charged to the customer's library card. A library customer is responsible and liable for damage to any library material that has occurred while in the customer's care. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-3 Overdue fines.** The library customer in any age category shall be assessed an overdue fine in the amount of 25 cents per day up to a total of \$7.50 for all circulating materials not returned by the due date. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-4 Overdue notices.** (a) A notice shall be transmitted to the library customer seven days after the due date of an overdue library material.

(b) An additional notice shall be transmitted to the library customer thirty days after the due date and may include all applicable charges and fines. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-5 Claims returned.** (a) A library customer who provides notice of a claim that overdue or missing library material has been returned shall not be held responsible for fines, fees, and charges associated with the claim. If the library customer fails to provide notice of a claim within ninety days of the due date, it shall be conclusively presumed that the item has not been returned. The library customer shall be responsible for all fines, fees, and charges.

(b) Public libraries shall promptly process all claims of returned library material to stop further overdue notices or charges for the library material reported returned.

(c) A library customer may accumulate ten claims of returned library material. After the threshold of ten claims of returned library

material is reached, the customer's library privileges shall be suspended until the claims of returned library material are reduced below the specified threshold. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-6 Claims never borrowed.** (a) A library customer who provides notice of a claim that overdue or missing library material has not been borrowed shall not be held responsible for fines, fees, and charges associated with the claim. If the library customer fails to provide notice of a claim within ninety days of the due date, it shall be conclusively presumed that the item has been borrowed. The library customer shall be responsible for all fines, fees, and charges.

(b) Public libraries shall promptly process all claims of never borrowed library material to stop further overdue notices or charges for the library material reported never borrowed.

(c) A library customer may accumulate ten claims of never borrowed library material. After the threshold of ten items claims of never borrowed library material is reached, the customer's library privileges shall be suspended until the claims of never borrowed library material are reduced below the specified threshold. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-7 Fines, fees, and charges on library card.** All outstanding fines, fees, and charges may be applied against the library customer's library card account. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-8 Collection, disposition, and use of fees and charges.** The library manager is responsible for all moneys collected from library customers. All moneys collected by the public libraries shall be deposited and expended in a manner authorized by law. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-9 Lost charges.** (a) The library customer may be liable for the full original replacement cost of any library material which is not returned within thirty days after the due date or is reported lost.

(b) A library customer shall also be assessed a non-refundable processing charge of \$5 for each library material which is not returned within thirty days after the due date or is reported lost. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-10 Damage charges.** (a) The library manager shall be responsible for determining the charges and billing the library customer for damaged library material.

(b) The library customer may be liable for the full original replacement cost of any library material which is returned damaged beyond repair.

(c) A library customer shall also be assessed a non-refundable processing charge of \$5 for each library material which is returned damaged beyond repair.

(d) A library customer shall be charged \$2 for each library material returned partially damaged. This may include, but is not limited to, scratch marks, soiled or torn pages, and library material requiring replacement of plastic jackets.

(e) A library customer shall be charged \$2 for a missing piece of the material, including but not limited to, an insert or map.

(f) A library customer shall be charged \$2 for a missing or damaged barcode. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-11 Other charges.** A library customer shall be assessed a service charge for any dishonored check in accordance with section 40-35.5, HRS. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-12 Refunds and waivers.** (a) Upon return of library material reported lost or unreturned, the system may refund to a library

customer the original replacement cost of the lost or unreturned library material, provided:

(1) The library material is returned in usable condition within one year of its original due date; and

(2) The original receipt issued by the public library at the time payment was made is presented.

(b) Charges may be waived by the library manager if:

(1) Loss or damage is attributable to an act of nature as determined by the library manager;

(2) The library customer provides satisfactory proof within one year of the due date that the library material or card was stolen, including, but not limited to, a report, letter, or report number validated by a police officer and provided by the police department;

(3) The charges are determined by the library manager to be the result of an error by the system. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

**§8-200.8-13 Collection.** (a) Fines, fees, and charges totaling \$10 or more that remain unpaid for ninety days or longer shall be considered delinquent and are subject to collection agency referral.

(b) Failure to pay any fines, fees, and charges may result in the system taking legal action to recover costs. For purposes of this section, fines, fees, and charges totaling \$10 or more that remain unpaid for ninety days or longer shall be considered delinquent.

(c) When a library customer's overdue account has been referred to a collection agency, the entire balance, or any balance remaining after any outstanding overdue library materials have been returned, shall be paid in full before borrowing privileges will be restored. Partial payment of the outstanding balance shall not be accepted at the library; provided that a customer may arrange a payment plan with the collection agency to accommodate full payment of the customer's overdue account over time. The customer's borrowing privileges will not be restored until the entire balance has been paid in full. [Eff 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1, 312-3.5)

The repeal of chapters 8-200.1, 8-200.2, and 8-200.3, Hawaii Administrative Rules, and the adoption of chapters 8-200.4, 8-200.5, 8-200.6, 8-200.7, and 8-200.8, Hawaii Administrative Rules, on the Summary Page dated April 15, 2010, were adopted on April 15, 2010, following a public hearing held on March 18, 2010 after public notice was given in The Honolulu Star-Bulletin, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Isle on February 12, 2010.

The repeal and adoption shall take effect ten days after filing with the Office of the Lieutenant Governor.

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GARRETT TOGUCHI

Chairperson  
Board of Education

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LINDA LINGLE

Governor  
State of Hawaii

Dated: \_\_\_\_\_

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Filed

APPROVED AS TO FORM:

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Deputy Attorney General