

DEPARTMENT OF EDUCATION

Amendment and Compilation of Chapter 8-201.1,
8-201.2, 8-205, 8-206.1, 8-206.2, 8-207, and 8-209

Hawaii Administrative Rules

April 15, 2010

SUMMARY

1. §8-201.1-1 is amended.
2. §8-201.1-2 is amended.
3. §8-201.1-3 is repealed.
4. §§8-201.1-4 to 8-201.1-20 are amended.
5. §§8-201.1-23 to 8-201.1-25 are amended.
6. Chapter 8-201.1 is compiled.
7. §8-201.2-1 is amended.
8. §8-201.2-2 is repealed.
9. §8-201.2-3 is amended.
10. Chapter 8-201.2 is compiled.
11. Title of chapter 8-205 is amended.
12. §8-205-1 is amended.
13. §8-205-2 is repealed.
14. §§8-205-3 to 8-205-5 are amended.
15. §8-205-8 is amended.
16. §8-205-10 is repealed.
17. §§8-205-11 and 8-205-12 are amended.

18. Chapter 8-205 is compiled.
19. §8-206.1-1 is amended.
20. §8-206.1-2 is repealed.
21. §8-206.1-3 is amended.
22. §§8-206.1-5 to 8-206.1-8 are amended.
23. §8-206.1-12 is amended.
24. §§8-206.1-14 to 8-206.1-17 are amended.
25. §§8-206.1-19 and 8-206.1-20 are repealed.
26. §§8-206.1-21 and 8-206.1-22 are amended.
27. A new §8-206.1-23 is added.
28. Chapter 8-206.1 is compiled.
29. §8-206.2-1 is amended.
30. §8-206.2-2 is repealed.
31. §8-206.2-3 is amended.
32. §8-206.2-4 is repealed.
33. §§8-206.2-5 to 8-206.2-7 are amended.
34. §8-206.2-10 is amended.
35. §8-206.2-13 is amended.
36. Subchapter 4, consisting of §§8-206.2-15 to 8-206.2-19.1 is repealed.
37. Subchapter 5 heading is amended.
38. §8-206.2-20 is amended.
39. §§8-206.2-22 and 8-206.2-23 are amended.
40. A new §8-206.2-24 is added.
41. §8-206.2-27 is repealed.

42. §§8-206.2-28 to 8-206.2-33 are amended.
43. New §§8-206.2-34 and 8-206.2-35 are added.
44. Chapter 8-206.2 is compiled.
45. §§8-207-2 and 8-207-3 are repealed.
46. §8-207-5 is amended.
47. §8-207-7 is amended.
48. §8-207-10 is amended.
49. Chapter 8-207 is compiled.
50. §8-209-2 is repealed.
51. §§8-209-3 and 8-209-4 are amended.
52. Chapter 8-209 is compiled.

201.1-1

HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 3

PUBLIC LIBRARIES

CHAPTER 201.1

MANAGEMENT AND USE OF PUBLIC LIBRARY FACILITIES

Historical note: This chapter is based substantially upon chapter 8-202, "Management and Use of Public Library Facilities" [Eff 8/7/93; R 1/2/96] and chapter 8-208, "Facilities". [Eff 8/7/93; R 1/2/96]

§8-201.1-1 Applicability. This chapter governs the management, use, maintenance, and security of public library facilities. Except as otherwise provided in this chapter, the provisions of chapter 8-200.5 shall also apply. This chapter does not apply to the management and use of the facilities for the library for the blind and physically handicapped. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-2 Purpose. The purpose of this chapter is to provide for the safe and secure use of public library facilities by the general public and to ensure that all library customers can use the public libraries in a clean and healthy environment free from excessive noise and other interferences. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-3 REPEALED. [R 05/24/2010]

§8-201.1-4 Library material security. Any library customer leaving a public library with library material shall be required to charge the library material out using a valid HSPLS library card. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-5 Smoking. Smoking is prohibited within a public library and within twenty feet from any entrance, exit, windows that open and ventilation intakes that serve an enclosed or partially enclosed area, in accordance with section 328-J, HRS. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-6 Alcoholic beverages. Consumption and use of alcoholic beverages is prohibited on public library property. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-7 Food consumption. Eating and drinking are prohibited in a public library except that refreshments may be served in a meeting room, or as otherwise authorized by the state librarian or library manager. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-8 Animals. Animals, other than service animals, are prohibited from a public library, unless otherwise authorized by the library manager or designee. A service animal means any animal that is trained to provide those life activities limited by the disability of the person, as defined in HRS 515-3. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-9 Skates. (a) Skates shall not be worn or used in or on public library property, unless otherwise authorized by the library manager.

(b) As used in this section, "skates" includes roller skates, inline skates, skateboards, and any other instrument containing wheels which is subject to being ridden. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-10 Unattended child. (a) As used in this section, "child" means an individual aged five and below.

(b) A child shall be accompanied by a parent, guardian, adult, or responsible person at all times while in a public library. A child left unattended by a parent, guardian, adult, or other responsible person may be reported to the police or other appropriate public agency.

(c) The public library shall not be responsible for the care of any child left unattended in a public library. The parent or guardian shall be responsible at all times for a child on public library

property. [Eff 1/2/96; am and comp 1/7/99; am and comp 05/24/2010]
(Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-11 Use of electrical outlet. Use of electrical outlets on public library property is prohibited unless otherwise authorized by a library manager. The use of an electrical outlet by a library customer for purposes of personal consumption of food or drink, or for personal hygiene is prohibited. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-12 Personal property. (a) Neither the public library nor the public library staff is responsible for personal items left, stolen, or damaged on public library property.

(b) All items left on public library property shall be reported and turned in to the library manager and held in custody for forty-five days or until claimed by the owner. After forty-five days, any items left unclaimed shall be disposed of by the public library. Property with estimated value in excess of \$100 will be immediately turned over to the custody of police for disposition. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-13 Disruptive behavior. (a) Behavior deemed disruptive by the library staff shall be prohibited. If the library customer continues to display disruptive behavior after being warned by the library manager, the customer shall be requested to leave the library until the disruptive behavior has ceased. Prohibited disruptive behavior is that which would unduly interfere with a reasonable library customer's quiet enjoyment and use of the public library.

(b) Bathing or washing that results in extensive puddling on the floor, disrobing in the common area, shaving of any part of the body, or other conduct that unduly interferes with other library customers' use of the restroom is prohibited.

(c) A library customer who displays a lack of bodily hygiene which could or may impose a health or safety risk or which unduly interferes with another customer's quiet use and enjoyment of the

public library, including, but not limited to the following, may be prohibited from using library facilities and services:

- (1) Unduly offensive body odor;
- (2) Open runny sores;
- (3) Deliberate bodily discharges in the common area;
- (4) Lice or other insect infestation; or
- (5) Unclean clothing, hands or feet which may soil, stain, deface, or damage library property. [Eff 1/2/96; am and comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-14 Unlawful or malicious damage. (a) Any person who unlawfully or maliciously cuts, tears, defaces, disfigures, soils, obliterates, breaks, or otherwise damages any library material shall be referred to the library manager, and if necessary, shall be reported to the police.

(b) Any person who unlawfully or maliciously damages any library facility, material, or equipment shall be responsible for the damage or loss.

(c) The library manager may bill the responsible person for any damage or loss. The responsible person shall pay for the damage or loss within thirty days of the date billed. Failure to pay for the damage or loss may result in the system taking appropriate legal action to recover the cost of the damage or loss and denial of use of the library facility, material, or equipment.

(d) Any person aggrieved by a decision under this section may file a complaint in accordance with chapter 8-210.2. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-15 Enforcement. The library manager, security personnel, or designated library staff shall:

- (1) Enforce discipline and maintain order within the public library, grounds, and parking lot; and

(2) Enforce rules and regulations to maintain a clean, healthy, and safe environment for library customers and staff. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-16 Denial of use. (a) Any person violating any decision or order of the state librarian, library manager, or any administrative rule governing HSPLS, may be denied use of a public library for a period of time to be determined by the library manager or state librarian.

(b) The person may be notified of the denial of use of any library facility, material, equipment, or service upon the issuance of a notice of denial of use or trespass form, substantially similar to the form located at the end of this chapter as Exhibit 1, entitled "Notice of Denial of Use or Trespass Warning", dated June 16, 2008.

(c) A person aggrieved by a decision to deny use may file a complaint in accordance with chapter 8-210.2. [Eff 1/2/96; am and comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-17 Maintenance of library facilities. All public libraries shall be maintained in a manner that provides clean, healthy, safe and comfortable facilities for library customers and employees. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-18 Notification of emergency library closures. Public libraries shall notify the general public of emergency library closures through the library manager or the office of the state librarian. All contact with the news media shall be made by the office of the state librarian or a designated representative. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-19 Emergency closing of libraries. Public library facilities may be closed at the discretion of the library manager or state

librarian whenever the health or safety of library customers or staff is at risk. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-20 Security personnel on premises. Public libraries may employ security personnel or designate staff in each public library to enforce the system's rules, provide for the protection and security of property, and to maintain a clean, healthy, and safe environment for library customers and staff. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-21 Location of public parking. A public library may provide public parking for library customers using public library facilities. Whenever possible, public parking may be located in areas easily accessible to the public library. [Eff 1/2/96; comp 1/7/99; comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-22 Signage for public parking. A public library shall clearly mark the location of parking stalls and towaway areas. [Eff 1/2/96; comp 1/7/99; comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-23 Ticketing of unauthorized or improperly parked vehicles. Security personnel or library managers shall ticket or cite any vehicle parked in unauthorized areas or improperly parked. The citation shall be substantially similar to the form which is located at the end of this chapter as Exhibit 2, entitled "Traffic Violation", dated September 2000, and made a part of this section. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-24 Abandoned vehicles. (a) Security personnel or the library manager may post a traffic violation notice on any vehicle parked beyond the operating hours of the library.

(b) If the vehicle is not claimed within twenty-four hours of the posting of the notice, the vehicle shall be considered abandoned and may be towed in accordance with section 8-201.1-25. [Eff 1/2/96; am and comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-201.1-25 Towing of abandoned or unauthorized vehicles. (a) Vehicles may be towed if:

- (1) More than one traffic violation notice has been issued to the same vehicle within the past three months;
- (2) The driver refuses to move the vehicle from an unauthorized area; or
- (3) The vehicle is abandoned.

(b) Vehicles may be towed under the direction of the library manager by an authorized towing company.

(c) The cost for towing and storage of the vehicle shall be paid by the owner of the vehicle or the person responsible for the vehicle. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

[Standard 8-201.1 amended EXHIBIT 1 Trespass Warning.pdf](#)

[Standard 8-201.1 amended EXHIBIT 2 Traffic Violation.pdf](#)