

HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 3

PUBLIC LIBRARIES

CHAPTER 206.2

LIBRARY ENHANCED SERVICES

Historical note: This chapter is based substantially upon chapter 8-201, "Library Rooms" [Eff 8/7/93; R 1/2/96] and chapter 8-206, "Library Services". [Eff 8/7/93; R 1/2/96]

SUBCHAPTER 1

GENERAL PROVISIONS

§8-206.2-1 Applicability. This chapter applies to various library enhanced services which may be provided by public libraries. Except as otherwise provided in this chapter, the provisions of chapters 8-200.5 and 8-200.6 shall also apply. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-2 REPEALED. [R 05/24/2010]

§8-206.2-3 Collection, disposition, and use of fees and charges. (a)

The library manager is responsible for all moneys collected from library customers provided under this chapter. All moneys collected by the public libraries shall be deposited and expended in any manner authorized by law.

(b) Fees for enhanced services may be temporarily discounted at the discretion of the state librarian or designee for a specified library promotional purpose.

(c) Any fees, fines, and charges provided in this chapter shall be applied against a library customer's library card account or billed to libraries, persons, or organizations from other states or jurisdictions. [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)

§8-206.2-4 REPEALED. [R 05/24/2010]

SUBCHAPTER 2

TELECOPYING

§8-206.2-5 Requests to telecopy library documents. (a) Requests to telecopy library documents may be made by telephone, telecopier, or other means, and is provided by a public library as an enhanced service.

(b) Library customers who request that library_documents be telecopied to a private home or office shall provide a mailing address and telephone number to call if a transmission cannot be completed. If the library document cannot be telecopied after two days, a photocopy of the library document may be sent by United States mail, first class rate to the address provided by the library customer.

(c) All library documents shall include a telefacsimile cover sheet, substantially similar to the form which is located at the end of this chapter as Exhibit 1, entitled "Telefacsimile Transmittal Form", dated November 1992, 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)

§8-206.2-6 Guidelines for telecopying library documents. The following guidelines shall be followed when telecopying library documents:

- (1) Public libraries shall only telecopy library documents available for use or loan, except as provided in paragraph (4);
- (2) Public libraries may telecopy library documents to public and private libraries, offices, or homes;
- (3) Public libraries shall make reasonable efforts to transmit or telecopy requested library documents in a timely manner and no later than two days after a library customer has submitted a request;
- (4) Public libraries may telecopy for members of the public up to five pages of state legislative testimony on any bill. Neighbor island library customers' testimony shall be telecopied to the state legislature's toll free number. Public libraries shall not telecopy non-library documents to other elected officials or government agencies. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-7 Enhanced service fees to telecopy library documents. (a) Library documents may be telecopied or faxed directly to a library customer upon agreement to pay an enhanced service fee of \$2.50 per page.

(b) A public library shall not assess an enhanced service fee for telecopying or faxing state legislative testimony. The testimony shall be limited to not more than five pages of state legislative testimony on any bill.

(c) If a public library properly attempts to telecopy the requested library documents and is unable to complete the transmission over a two day period, the public library may mail the photocopy of the requested library document to the library customer, who shall be assessed the enhanced service fee provided in section 8-206.2-30 to photocopy and mail library documents. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-8 Receipt of telecopied documents. (a) Public libraries may receive telecopied documents sent by state legislators to their constituents.

(b) State legislators who telecopy documents shall be solely responsible for notifying their constituents that the telecopied documents have been transmitted to a public library for pick-up. Pick-up of telecopied documents shall be limited to the public library's normal hours of operation.

(c) The state legislative office shall include its telephone number on the transmittal slip.

(d) State legislators may telecopy documents to a public library up to twenty-five pages per constituent per day. [Eff 1/2/96; comp 1/7/99; comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

SUBCHAPTER 3

INTERLIBRARY LOANS

§8-206.2-9 Interlibrary loan service. Interlibrary loan service is an enhanced service that allows library customers to borrow library material which is not available in the system, and to allow libraries from other states or jurisdictions to borrow library material from the system. Library material which is not available in the system may be obtained from other libraries in Hawaii, from libraries in other states in the United States, or from libraries throughout the world. The public library shall observe all applicable copyright laws and guidelines when providing interlibrary loan service. [Eff 1/2/96; comp 1/7/99; comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-10 Loan procedures. (a) Library customers wishing to use interlibrary loan service to borrow library material not available within the system shall complete a form, substantially similar to the form which is located at the end of this chapter as Exhibit 2,

entitled "Interlibrary Loan Request", dated August 2006, and made a part of this section.

(b) Availability of requested material shall be determined by the library lending the material. The loan period for the requested item shall be determined by the library lending the material. Library customers shall be notified when the requested item is received.

(c) Libraries from other states or jurisdictions wishing to borrow library material from the system shall submit a request in accordance with interlibrary loan guidelines established by the American Library Association. Libraries shall be assessed for this enhanced service in accordance with this chapter.

(d) Unless otherwise specifically provided herein, all terms and conditions applicable to the use or loan of circulating library material shall apply to the interlibrary loan service. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-11 Enhanced service fees for interlibrary loan service.

Library customers using the interlibrary loan service to acquire library material not available in the system shall be assessed enhanced service fees in the following amounts:

- (1) \$10 per item; and
- (2) The direct cost incurred by the public library to photocopy, print, mail, or otherwise acquire the requested item from another library not within the system. [Eff 1/2/96; comp 1/7/99; comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-12 Interlibrary loan service to a non-system library or agency; enhanced service fees.

Interlibrary loan service to a non-system library or agency is an enhanced service. The public library may charge the non-system library or agency enhanced service fees in the following amounts:

- (1) \$15 per item; and
- (2) The direct cost incurred by the public library to photocopy, print, mail, or otherwise provide the requested item to the

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

§8-206.2-13 Fines and charges. (a) Library material borrowed from the system under the interlibrary loan service and returned after the due date shall be considered overdue and the library customer or library shall be assessed overdue fines and charges in accordance with chapters 8-200.7 and 8-200.8.

(b) Overdue library material borrowed by a library customer, library, or agency from a non-system library under the interlibrary loan service shall also be assessed a charge equal to any difference between the overdue fine assessed by the system and any overdue fine, charge, or fee assessed by the library from which the material is borrowed.

(c) Library customers shall also be assessed the replacement value of the item plus a \$5 non-refundable processing charge for items that are lost or returned damaged, and any other fees or charges incurred by the public library to acquire the requested item. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-14 Renewals. Renewal of items on loan through interlibrary loan is at the discretion of the lending library. [Eff 1/2/96; comp 1/7/99; comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

Subchapter 4 REPEALED

§§8-206.2-15 to 8-206.2-19.1 REPEALED. [R 05/24/2010]

SUBCHAPTER 5

LIBRARY FACILITIES, EQUIPMENT, AND SUPPLIES

§8-206.2-20 Library facilities; authorized use and enhanced service fees. (a) A public library facility may be used, and an enhanced service fee may be assessed for:

(1) A library sponsored or co-sponsored activity for no enhanced service fee;

(2) A government agency activity for an enhanced service fee of \$20;

(3) An individual or a non-profit organization using the facility as part of a non-commercial or public service activity, and for which no admission charge, registration fee, donation, collection, or other fee is being made, collected, received, or requested for attendance or participation in the activity, may be assessed an enhanced service fee of \$25;

(4) An individual or an organization using the facility as part of a non-commercial or public service activity, and for which an admission charge, registration fee, donation, collection, or other fee is being made, collected, received, or requested for attendance or participation in the activity, may be assessed an enhanced service fee of \$100;

(5) An individual or a for-profit organization using the facility as part of a commercial activity may be assessed an enhanced service fee of \$100.

(b) The enhanced service fee per use is based upon the use of a library facility that does not exceed one calendar day. A library customer may also be assessed the cost for providing one or more security guards or 0custodians or both at a library facility when a library manager determines that one or more custodians or security guards or both are required for the security, maintenance, or protection of library material or facility. If the library facility needs to be cleaned and trash removed after use, the authorized individual or representative will be assessed custodial fees.

(c) Priority use shall be given to a library sponsored and co-sponsored activity. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-21 Use of audiovisual equipment; enhanced service fees.

Audiovisual equipment may be made available for use within the library facility as an enhanced service and upon payment of an enhanced service fee of \$10 per item for each use not exceeding one calendar day. [Eff 1/2/96; comp 1/7/99; comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-22 Procedures for use of library facility or audiovisual equipment; charges.

(a) Reservations shall be required for the use of a library facility or audiovisual equipment. The reservation shall be made by an authorized individual or representative with a library manager, either by telephone or in person, no more than twelve calendar months in advance of the date of use.

(b) The authorized individual or representative shall apply for use of the library facility or audiovisual equipment in writing to the library manager on a form supplied by the system and substantially similar to the form which is located at the end of this chapter as Exhibit 3, entitled "Request to Use Library Facilities", dated February 2009.

(c) The library facility key shall be picked up by the authorized individual or representative during normal operating hours prior to use of the library facility. Duplication of any key is strictly forbidden.

(d) Payment for use of the library facility and audiovisual equipment shall be made when the key is picked up. Acceptable methods of payment are cash, check, certified check, or money order.

(e) The authorized individual or representative shall be responsible for the following tasks before closing and leaving the library facility: equipment, lights, and air-conditioners to be turned off; doors and windows to be locked; facility to be left as found when entering; kitchen to be clean; trash to be removed from the premises; and, return the library facility key to the library by dropping the key in the library's book drop.

(f) The authorized individual or representative shall immediately notify the library manager either in writing or by telephone of any cancellation prior to use of the library facility. If the key has already been picked up and the enhanced service fee to use the library facility has been paid, the enhanced service fee shall be refunded, provided the key is returned before the scheduled date of

use. The amount refunded may reflect any deduction arising from any cost incurred by the public library to reserve the library facility, including the cost to provide security guard(s) or custodian(s) or both.

(g) If the library facility is not properly secured upon completion of use of the facility and library personnel are required to return and secure the facility, the authorized individual or representative shall be assessed the labor and material cost incurred by the library personnel to return and secure the facility. The labor and material costs shall be determined by the system.

(h) If library personnel are requested to return and re-open the facility after it has been secured, the authorized individual or representative shall be assessed the labor and material cost incurred by the library personnel to return and re-open the facility. The labor and material costs shall be determined by the system.

(i) The authorized individual or representative shall be assessed a service fee for any dishonored check in accordance with section 40-35.5, HRS.

(j) The authorized individual or representative shall comply with state laws and county ordinances and state and county rules including, but not limited to:

- (1) Fire code;
- (2) Police protection rules; and
- (3) Rules of the state department of health.

(k) The authorized individual or representative shall release the State of Hawaii from any responsibility or claim arising out of injuries or damages, or both, incurred during the use of buildings, facilities, or grounds.

(l) The authorized individual or representative agrees to assume the cost of repairs for damages incurred to buildings, grounds, and equipment whether accidental or otherwise at the time of use.

(m) The authorized individual or representative shall secure all necessary performance licenses prior to use of the facilities and shall indemnify the library and system for any failure on their part to do so.

(n) Use of the facility means that HSPLS is merely allowing the authorized individual or representative the use of the facility and not endorsing or affiliated with any events or activities that take place in the facility during such use.

(o) The authorized individual, representative, organization, or company shall not deny anyone admittance or access on the basis of race, religion, color, national origin, sex, including gender identity or expression, sexual orientation, age, disability, ancestry, or marital status, in compliance with state and federal laws. [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)

§8-206.2-23 Media production equipment, materials, and supplies; enhanced service fees.

(a) The use of various equipment, materials, and supplies for media production may be available as an enhanced service for public use at selected public libraries. These are available on a self-service basis, with limited training provided by library staff. Media production shall not be used for commercial purposes.

(b) A public library may assess an enhanced service fee for the use of equipment, materials, and supplies upon posting a list of costs for the available equipment, materials, and supplies. Equipment, materials, and supplies may be available for:

(1) Laminating;

(2) Button making; or

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

§8-206.2-24 Print management; enhanced service fees. (a) A public library may offer, as an enhanced service, the use of printers and copiers.

(b) A library customer making a copy or print on a self-service basis shall be assessed a fee of 15 cents per page on a black and white printer and \$1 per page on a color printer or on a dual color or black and white printer.

(c) The public copiers provided by the Friends of the Library of Hawaii in HSPLS libraries are exempt from this section.

(d) A library customer shall pre-pay up to \$10 on their account for use of the printers. Unused print pre-payments shall not be refunded. Print pre-payments are not transferable.

(e) Print charges shall be instituted only after print management software has been installed in all system libraries. [Eff and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-25 [Reserved]

§8-206.2-26 [Reserved]

SUBCHAPTER 6

OTHER LIBRARY ENHANCED SERVICES

§8-206.2-27 REPEALED [R 05/24/2010]

§8-206.2-28 Book bags; enhanced service fees. A public library may make available, as an enhanced service, book bags for purchase by library customers. The public library may assess an enhanced service fee up to \$10 for each book bag. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-29 Bestsellers; enhanced service fees. (a) A public library may make available, as an enhanced service, additional copies of a bestseller. A public library may assess an enhanced service fee of \$1 for each day a bestseller is rented by a library customer. The rental fee will be determined and assessed when the bestseller is returned, provided that the rental fee shall not exceed \$50. The rental fee shall be applied against the library customer's library card.

(b) For purposes of this section, a bestseller is determined by the system and made available for loan as an enhanced service.

(c) A rental bestseller may not be reserved or renewed.

(d) A copy of a bestseller shall also be available for borrowing in the circulating collection of a public library which has designated that book to be a rental bestseller, without the assessment of an enhanced service fee and subject to the rules related to the borrowing of print material.

(e) Except as provided in this section, the terms and conditions for borrowing a rental bestseller shall be the same as terms and conditions for borrowing circulating library material. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-30 Photocopied or mailed documents; enhanced service fees.

(a) A public library may make available, as an enhanced service, the photocopying or mailing of documents to a library customer. For purposes of this section, "photocopying" includes the use of a microform reader and printer, photocopier, printer, or any other equipment utilized to copy information in any format in accordance with all copyright regulations.

(b) A public library may assess an enhanced service fee of not less than 25 cents per page of a document requested to be photocopied. The customer may be assessed additional charges for color or special feature copying.

(c) A public library may assess an additional enhanced service fee of \$1 per page to mail photocopied documents from any public library to a library customer.

(d) Enhanced service fees shall be assessed upon a library customer's library card account. [Eff 1/2/96; am and comp 1/7/9; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-31 Books by mail service; enhanced service fees. (a) A public library may provide, as an enhanced service, the delivery of a borrowed book to a library customer by mail. Library customers

utilizing this service may request the delivery by mail of only circulating library material.

(b) This service shall be provided for an enhanced service fee of \$3 for each item mailed plus all applicable postage charges, and shall be assessed upon a library customer's library card account. All applicable terms and conditions for borrowing library material shall also apply to books borrowed and delivered by mail.

(c) When placing a hold on circulating library material, a library customer may request that the reserved item be mailed to their mailing address on record when it becomes available.

(d) There is no limit to the number of items borrowed through the books by mail service. The delinquency threshold as provided in chapter 8-200.8 shall determine loan privileges.

(e) The requested item shall be sent by United States mail, first class.

(f) The loan period for library material borrowed through the books by mail service is twenty-eight days. The loan period begins on the date the library material is checked out on the customer's library card. The loan period ends when the library material is received and checked in by an HSPLS library. Library material returned after the due date shall be considered overdue and fines shall be assessed in accordance with chapter 8-200.8.

(g) Library material borrowed through the books by mail service shall be returned at any public library. [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-32 Custom research service; enhanced service fees. (a) Custom research service may be made available at public libraries as an enhanced service upon agreement to pay an enhanced service fee. For purposes of this section, "custom research service" means any research service provided by a public library staff member that requires extensive consultation with a library customer and specialized research knowledge or expertise of a librarian to investigate a complex question or information request by analyzing, creating, interpreting, compiling, indexing, or otherwise synthesizing specific or detailed information from numerous primary, secondary, or interdisciplinary resources within the system or from libraries or other resources not within the system.

(b) If offered by a public library, custom research service may be provided upon agreement to pay an enhanced service fee of \$60 per hour. There shall be a minimum charge of \$60 for each request or project. Custom research service in excess of one hour shall be charged on a quarter hour basis.

(c) In addition to the custom research service enhanced service fee, a library customer may be charged any other applicable charge or fee necessary to complete or otherwise perform the custom research, including without limitation the following charges:

(1) Computer charges levied by an external database;

(2) Information retrieval costs, including interlibrary loan charges, telecopying, postage, or handling, assessed by libraries not within the system or from other resources; and

(3) Document delivery to the library customer:

(A) Photocopies of any printed material: the photocopying enhanced service fee provided in section 8-206.2-30, plus any shipping and other charges levied by outside resources; and

(B) Telecopying of any printed material: the telecopying enhanced service fee provided in section 8-206.2-7; and

(4) All applicable copyright fees and charges.

(d) Requests for custom research services shall be made on a form substantially similar to the form located at the end of this chapter as Exhibit 4, entitled "Custom Research Service Request", dated December 1996, and made a part of this section.

(e) Completed requests shall be sent to the public library in hard copy or by telecopy transmission.

(f) All enhanced service fees and charges shall be applied against the library customer's library card account.

(g) The library customer requesting custom research service assumes any and all risks and liabilities and waives any claims against a public library arising from any information or research provided by a public library through the custom research service. [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)

§8-206.2-33 Sale of books, other print, non-print, audiovisual, and digital resources, including but not limited to films on videocassette or dvd; enhanced service fees. A public library may offer, as an enhanced service, the sale of any book, videocassette, DVD, cassette tape, compact disc, magazine, or newspaper to library customers. This service may be offered in partnership with one or more affiliated online bookseller(s), which would set item, shipping, and other costs. Library customers would access the bookseller(s)'s website. All transactions, including delivery and payment, would take place solely between the library customer and the bookseller(s). The system would not be responsible for any delivery or payment problems between the customer and bookseller(s). [Eff 1/2/96; comp 1/7/99; am and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) (Imp: HRS §312-1)

§8-206.2-34 Sale of compact discs, dvds, and other storage media; enhanced service fees. (a) A public library may offer, as an enhanced service, the sale of any compact disc, dvd, or other storage media to library customers.

(b) A public library may not assess the library customer an amount greater than the suggested retail price reflected on the compact disc, dvd, or other storage media plus any applicable handling and postage costs incurred by the public library.

(c) A library manager may determine whether or not to offer any compact disc, dvd, or other storage media for sale to a library customer. [Eff and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) Imp: HRS §312-1)

§8-206.2-35 Proctoring tests; enhanced service fees. (a) A public library may provide, as an enhanced service, the proctoring of tests for a library customer.

(b) Library customers utilizing this service shall request the service in advance and shall be responsible for any additional charges such as postage.

(c) A library manager may determine whether or not to offer the proctoring service, the location and the day and time of the service, whether or not additional tasks associated with the proctoring

process can be provided, and where specialized knowledge or experience is not required of library staff.

(d) HSPLS staff will bear no liability resulting from the proctoring of the examination(s).

(e) There shall be a charge of \$10 per test plus any additional costs required as part of the proctoring procedure. [Eff and comp 05/24/2010] (Auth: HRS §§302A-1120, 312-1) Imp: HRS §312-1)

[Standard 8-206.2 amended EXHIBIT 1 Telefacsimile Transmittal.pdf](#)

[Standard 8-206.2 amended EXHIBIT 2 Interlib Loan Request.pdf](#)

[Standard 8-206.2 amended EXHIBIT 3 Rqst to use Library Fac.pdf](#)

[Standard 8-206.2 amended EXHIBIT 4 Cstm Research Serv Rqst.pdf](#)