

DEPARTMENT OF FINANCE

COUNTY OF KAUAI

STATE OF HAWAII

RULES AND REGULATIONS RELATING TO
LICENSING OF GUIDE, SIGNAL OR HEARING, AND SERVICE DOGS

Section 1. Purpose and Scope.

Pursuant to Section 143-4, Hawaii Revised Statutes, these rules govern the requirements and procedures to be used for the licensing of guide, signal or hearing, and service dogs.

Section 2. Definitions.

Unless the context clearly requires otherwise, as used in these rules:

- 2.1 "Assistance Dog" means any guide, signal or hearing, or service dog.
- 2.2 "Commission" means the State of Hawaii Commission on Persons with Disabilities.
- 2.3 "Director" means the Director of Finance of the County of Kauai, State of Hawaii, or his or her duly authorized representative.
- 2.4 "HRS" means Hawaii Revised Statutes, as amended.
- 2.5 "Guide Dog" means any dog individually trained by a licensed guide dog trainer for guiding a blind person by means of a harness attached to the dog and a rigid handle grasped by the person;
- 2.6 "Hearing Dog" means a signal dog.
- 2.7 "Officer" means any sheriff, deputy, any member of a police force in counties with a population of less than 100,000 and animal control officers of the several counties of the State;

- 2.8 "Rule" or "Rules" means the Rules and Regulations Relating to the Licensing of Guide, Signal or Hearing, and Service Dogs of the Department of Finance of the County of Kauai, State of Hawaii.
- 2.9 "Service Dog" means any dog individually trained and certified by a nationally recognized service dog organization to assist a person with a disability in performing essential activities of daily living;
- 2.10 "Signal Dog" means any dog individually trained and certified by a nationally recognized signal dog organization to alert a deaf person to intruders or sounds;
- 2.11 "State" or "state" means State of Hawaii.

Section 3. Applicable Law.

All dogs, including assistance dogs, shall be licensed according to the provisions of Chapter 143, HRS.

Section 4. Additional Licensing Requirements for Guide, Signal or Hearing, and Service Dogs.

- 4.1 All assistance dogs shall be licensed in accordance with the following rules:
- 4.2 License applications for assistance dogs shall be submitted to the Director on forms provided by the Director. The following documentation shall be submitted with all license applications:
- a. **For Guide Dogs:** Certification that the dog is a guide dog.
 - b. **For Signal or Hearing Dogs:** Certification that the dog is a signal or hearing dog.
 - c. **For Service Dogs:** Certification that the dog is a service dog.
- 4.3 The Director shall issue a dog license carrying the notation "Guide Dog", "Signal Dog", "Hearing Dog", "Service Dog" and metal dog tag to any person applying for an assistance dog license provided:
- a. The applicant has obtained a license pursuant to Chapter 143, Hawaii Revised Statutes; and the applicant has submitted a completed application in

accordance with Sec. 4.2 of these rules;

- b. The dog has been certified as an assistance dog by an organization recognized by the Hawaiian Humane Society or Commission as a national or international assistance dog organization.

Section 5. Certificate of Dog License for Assistance Dogs.

- 5.1 The Director shall clearly mark the Certificate of Dog License with the notation "Guide Dog", "Signal Dog", "Hearing Dog", or "Service Dog".
- 5.2 A person with a disability accompanied by an assistance dog shall carry the Certificate of Dog License on his or her person. The person with a disability shall present the certificate upon request by any Officer.

Section 6. Unauthorized Use.

The Certificate of Dog License shall not be used by anyone other than a person with a disability and the metal tag shall be worn only by the dog to whom it was issued. Any unauthorized person using the Certificate of Dog License or utilizing the metal tag on a dog that is not an assistance dog shall be guilty of any applicable law and subject to the penalties provided by such law. The Director may revoke the Dog License if the Director finds that the Certificate of Dog License is being used by a person other than the one to whom it was issued, or if the metal dog tag issued pursuant to these rules is being used by a dog other than the one to whom it was issued.

Section 7. Renewal.

- 7.1 Applicants renewing their Certificate of Dog License for Assistance Dogs and metal dog tag shall be issued a new Certificate of Dog License and metal dog tag provided the applicant's existing Certificate of Dog License carries the notation "Guide Dog", "Signal Dog", "Hearing Dog", or "Service Dog".

Section 8. Right of Applicant to a Hearing.

Whenever the director either denies a license application or revokes a license for an assistance dog, the applicant may file a written notice of appeal with the Director within twenty (20) calendar days of the date the denial is mailed to the applicant.

Section 9. Hearing.

Within twenty (20) calendar days of the filing of such notice of appeal, the Director shall hold a hearing regarding the license application denial. The hearing shall be conducted in conformity with the provisions of Chapter 91, HRS, relating to contested cases.

Section 10. Decision and Order.

All decisions and orders shall be made within thirty (30) calendar days of the date of the hearing. Decisions and orders adverse to the applicant shall be accompanied by separate written Findings of Fact and Conclusions of Law. The Director shall mail to the applicant by certified mail, return receipt requested, a certified copy of the Decision and Order and, if applicable, the Findings of Fact and Conclusions of Law, within a reasonable time, not to exceed 15 working days, after the decision or order is made.

Section 11. Transitional Provisions.

11.1 All existing Certificate of Dog Licenses for assistance dogs shall remain in force upon the adoption of these rules. However, if the owner of an assistance dog wishes to have his or her Certificate of Dog License carry the notation "Guide Dog", "Signal Dog", "Hearing Dog", or "Service Dog", the owner shall submit to the Director the certification required by Sec. 4.2 of these rules along with the existing Certificate of Dog License. If the owner submits the required certification and his or her existing Certificate of Dog License, the Director shall issue a new Certificate of Dog License bearing both the appropriate notation and the same expiration date as the existing Certificate of Dog License.

11.2 Owners of assistance dogs whose Certificates of Dog License expire and do not carry the notation "Guide Dog", "Signal Dog", "Hearing Dog", or "Service Dog" shall be issued a new Certificate of Dog License and metal dog tag if the owner complies with the procedures established in Sec. 11.1 or Sec. 4.3 of these rules.

Section 12. Severability.

If any portion of these rules or the applicability thereof should be held invalid for any reason, such invalidity shall not affect other provisions or

applications which can be given effect without the invalid provisions or applications and to this end these rules are declared to be severable.


CERTIFICATION

I, Dorothy R. Bekeart, Deputy Director of Finance, Department of Finance, County of Kauai, do hereby certify:

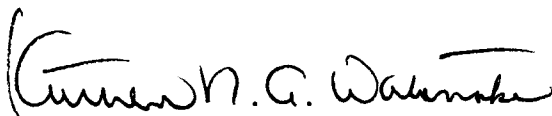
1. That the foregoing is a true and correct copy of the Rules and Regulations of the Director of Finance, relating to the requirements for the licensing of guide, signal or hearing, and service dogs.

2. That a public hearing on the foregoing Rules, was held on April 14, 1993, and that notice of the public hearing, which notice included a statement of the substance of the proposed Rules, was published in The Garden Island Newspaper on March 12, 1993.

3. That said Rules were adopted by the Department of Finance on August 4, 1993 and shall become effective ten (10) days after filing with the office of the County Clerk, County of Kauai, State of Hawaii.


DOROTHY R. BEKEART
Deputy Director of Finance

APPROVED AS TO FORM:

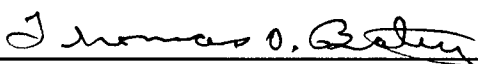

KATHLEEN N. A. WATANABE
County Attorney

Date: 8/10/93

APPROVED:


MICHAEL D. VEITH
Director of Finance

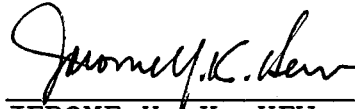
Date: 8/10/93


JOANN A. YUKIMURA
Mayor, County of Kauai

Date: 8/10/93

CERTIFICATION OF COUNTY CLERK:

I hereby certify that on August 10, 1993, I have accepted for filing from the Department of Finance, the Rules and Regulations on the requirements for the licensing of guide, signal or hearing, or service dogs adopted on August 4, 1993.



JEROME Y. K. HEW
County Clerk, County of Kauai