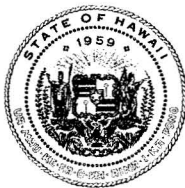


State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813
Phone: (808) 587-2150

TRANSMITTAL OF TESTIMONY

COMMITTEE:	JUDICIARY
HEARING DATE:	Tuesday, January 26, 2010
HEARING TIME:	2:30 p.m.
BILL NO.:	H.B. No. 134, Relating to Motor Vehicle Driver Licensing
TESTIFYING:	Brennon T. Morioka, Ph.D, P.E. Director of Transportation or Designee
COPIES REQUIRED:	1

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO SUMADA

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097**

January 26, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

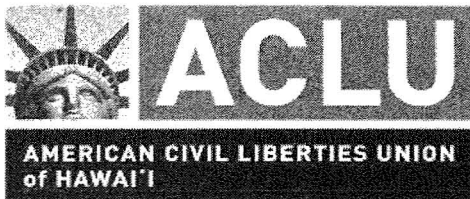
HOUSE/SENATE BILL NO. 134, HD1

COMMITTEE ON JUDICIARY

We support this bill which will require all applicants for any type of driver's license to submit proof of United States citizenship or legal presence in the United States. Hawaii is one of three states without a legal presence law, which will be needed in order to implement the Real ID Act.

We recommend that the effective date be changed to July 1, 2010.

NOTES ONLY. DO NOT
INLCUDE IN TESTIMONY.



Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, January 26, 2010, 2:30 a.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 134, Relating to Motor Vehicle Driver Licensing

Dear Chair Karamatsu and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 134, which seeks to require applicants for driver licenses and instruction permits to submit proof that the applicant is legally in the United States.

H.B. 134 seems designed to move Hawaii towards compliance with the Real ID legislation pushed through Congress in 2005. However, it is not clear whether Real ID will ever be implemented: to date, eleven states have opted out of Real ID, and not a single state has complied with all of the Real ID requirements. Janet Napolitano, Secretary of Homeland Security, has promised to review the Real ID Act in the face of widespread criticism from the states; measures like H.B. 134, which could require substantial additional resources from the State, may not be necessary at all (if Real ID is repealed or substantially altered, as may soon happen).

Real ID aside, H.B. 134 is problematic because it will require county employees at motor vehicle bureaus to make complicated decisions about an individual's immigration status. These county employees would have to decide whether someone is a citizen or foreigner before issuing a driver's license – forcing them to distinguish among citizens, permanent resident immigrants – often by making difficult and subtle judgments about complex immigration issues. That would inevitably cause discrimination against U.S. citizens who may "look" or "sound" "foreign" to a county bureaucrat. Such citizens would likely be interrogated more, have their documents scrutinized with suspicion, be treated as suspect, and be denied a license or targeted for further questioning or investigation. Those who did not satisfy the county employee might be denied a license altogether.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private

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Hon. Rep. Karamatsu, Chair, JUD Committee
and Members Thereof

January 26, 2010

Page 2 of 2

non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney

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