

JAN 22 2015

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE DRIVER LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act shall be known and may be cited as the
2 Driver Safety Act.

3 SECTION 2. The legislature finds that Hawaii driver's
4 licenses are currently unavailable to persons who do not comply
5 with the requirements of the REAL ID Act of 2005, Public Law
6 109-13, sections 201-202. Accordingly, a person who does not
7 submit satisfactory proof that the person's presence in the
8 United States is authorized by federal law cannot legally
9 operate a motor vehicle in the State of Hawaii. However, the
10 REAL ID Act specifically allows states to issue driver's
11 licenses that do not comply with the minimum federal use
12 requirements and standards of section 202 of the REAL ID Act.
13 This authority is critical because restrictive identification
14 requirements for driver's licenses have created a situation
15 where a significant number of residents cannot carry out
16 necessary daily activities unless they operate motor vehicles
17 without a license and, therefore, without insurance. Elderly



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1 residents, houseless individuals, undocumented immigrants,
2 lawfully present non-immigrants, and women, particularly
3 survivors of gender-based violence, are burdened by the
4 heightened documentary requirements. The lack of access to
5 licensure hinders the ability to drive safely, legally, and
6 insured to work, church, to run errands, and to drop children
7 off at school and to drive them to medical appointments. Women
8 in particular are disproportionately impacted by these
9 difficulties because they are often the primary caretakers of
10 children.

11 The legislature finds that the lack of access to driver's
12 licensure caused by unduly restrictive identification
13 requirements poses a serious threat to the safety of the people
14 of the State. Allowing all residents to obtain driver's
15 licenses will improve public safety because it will enable them
16 to be tested for driving skills and to buy insurance. It is
17 clear that our current law needs to be revised and updated to
18 provide full access to proper certification to all motorists in
19 Hawaii. Since 2013, there has been a significant increase in
20 pro-immigrant efforts to expand access to driver's licenses.
21 Eleven states, plus Washington, D.C., and Puerto Rico, have



1 enacted laws that grant access to a driver's license or card,
2 regardless of immigration status. In 2014, Hawaii introduced
3 similar legislation but failed to enact the proposed measure.

4 It is not the intent of the legislature to jeopardize the
5 State's compliance with the REAL ID Act of 2005 by adoption of
6 this Act. It is the intent of the legislature that the State
7 remain REAL ID compliant and not lose federal grants or funding
8 with the passage of this legislation. The purpose of this Act,
9 in view of the findings, is to enable the issuance of a uniquely
10 identified, limited purpose Hawaii driver's license, a limited
11 purpose provisional Hawaii driver's license, or a limited
12 purpose Hawaii instruction permit to all age-eligible drivers
13 who meet all other qualifications for the licensure or permit
14 and provide satisfactory proof of their identity and Hawaii
15 residency.

16 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:

19 "PART . LIMITED PURPOSE MOTOR VEHICLE LICENSING

20 §286- Limited purpose driver's license. (a) Except as
21 provided in section 286-104(1), (4), and (5), the examiner of



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1 drivers shall issue a limited purpose driver's license, a
2 limited purpose provisional driver's license, or a limited
3 purpose instruction permit uniquely identified in compliance
4 with the REAL ID Act of 2005 to a person, regardless of whether
5 the applicant is able to submit satisfactory proof that the
6 applicant's presence in the United States is authorized under
7 federal law, if the applicant meets all other qualifications for
8 licensure and provides satisfactory proof to the department of
9 the applicant's identity and Hawaii residency. The examiner of
10 drivers shall accept various types of documentation for the
11 purpose of establishing identity and Hawaii residency, including
12 but not limited to:

- 13 (1) A valid and unexpired consular identification document
14 issued by a consulate from the applicant's country of
15 citizenship;
16 (2) A valid and unexpired passport from the applicant's
17 country of citizenship;
18 (3) An original birth certificate, or other proof of age,
19 as designated by the department;



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- (4) A home utility bill, lease or rental agreement, or other proof of Hawaii residency, as designated by the department;
- (5) A United States Department of Homeland Security Form I-589, Application for Asylum and for Withholding of Removal;
- (6) An official school or college transcript that includes the applicant's date of birth, or a foreign school record that is sealed and includes a photograph of the applicant at the age the record was issued;
- (7) An official school or college identification card that includes the applicant's full name and a photograph of the applicant at the time the identification was issued;
- (8) A United States Department of Homeland Security Form I-20 or Form DS-2019;
- (9) A United States Citizenship and Immigration Services Deferred Action for Childhood Arrival Approval letter;
- (10) A deed or title to real property;
- (11) An identification card for health benefits;



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(12) An identification card for an assistance or social services program;

(13) A voter registration card;

(14) A wage stub;

(15) An income tax return; and

(16) A social security card.

(c) The following documents, if in a language other than English, shall be acceptable for the purposes of subsection (b) if submitted with a certified translation or affidavit of translation into English:

(1) A marriage license or divorce certificate;

(2) A foreign federal electoral photographic card issued on or after January 1, 1991;

(3) A foreign student identification card; and

(4) A foreign driver's license.

(d) Notwithstanding any other law, the examiner of drivers shall not require any applicant under this section to furnish information regarding an applicant's ineligibility for a social security account number. The examiner of drivers shall not disclose the identity of an applicant who does not provide a



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1 social security card as a form of identification under this
2 section.

3 (e) A limited purpose driver's license or limited purpose
4 provisional driver's license shall expire pursuant to section
5 286-106.

6 (f) A limited purpose instruction permit shall expire one
7 year after the date of issuance.

8 **§286- Identifying language.** (a) A limited purpose
9 driver's license, limited purpose provisional driver's license,
10 or limited purpose instruction permit issued pursuant to this
11 part shall:

12 (1) On its face bear the phrase, "Not acceptable for
13 official federal purposes"; and

14 (2) On its reverse bear the phrase, "This license or
15 permit is issued only as a license or permit to drive
16 a motor vehicle. It does not establish eligibility
17 for employment, voter registration, or public
18 benefits".

19 (b) If the United States Department of Homeland Security
20 determines that a license or permit issued pursuant to this
21 section does not satisfy the requirements of section 37.71 of



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1 Title 6 of the Code of Federal Regulations, adopted pursuant to
2 paragraph (11) of subdivision (d) of section 202 of the Real ID
3 Act of 2005 (Public Law 109-13), the department shall modify the
4 license or permit only to the extent necessary to satisfy the
5 requirements of that section.

6 **§286- Prohibition of discrimination.** It shall be a
7 violation of law to discriminate against a person because the
8 person holds or presents a limited purpose driver's license,
9 limited purpose provisional driver's license, or limited purpose
10 instruction permit issued pursuant to this part.

11 **§286- Data collection; confidentiality.** Information
12 collected pursuant to this part shall not be disclosed by the
13 examiner of drivers except as required by law.

14 **§286- Application; fees.** (a) Each application for a
15 limited purpose driver's license, limited purpose provisional
16 driver's license, or limited purpose instruction permit shall be
17 upon a form furnished by the examiner of drivers and shall be
18 verified by the applicant before a person authorized to
19 administer oaths. The examiner of drivers and officers serving
20 under the examiner may administer the oaths without charge.



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1 (b) Each application for a limited purpose driver's
2 license, limited purpose provisional driver's license, or
3 limited purpose instruction permit shall be accompanied by a fee
4 to be determined by the council of each county.

5 §286- Rulemaking. The department shall adopt rules
6 pursuant to chapter 91 necessary for the purposes of this part."

7 SECTION 4. This Act shall take effect on January 1, 2015.

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INTRODUCED BY: Clarence K. Michikawa BR



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Report Title:

Motor Vehicle Driver Licensing and Permitting; Limited Purpose Licensing and Permitting; REAL ID Act of 2005; Acceptable Forms of Identification and Proof of State Residency

Description:

Requires the examiner of drivers to issue limited purpose driver's licenses, limited purpose provisional driver's licenses, and limited purpose instruction permits to a qualified person. Specifies acceptable forms of identification and proof of state residency.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

