

JAN 23 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 cited as the "Drivers Safety  
2 Act".

3       SECTION 2. The legislature finds that the federal REAL ID  
4 Act of 2005, Pub. L. No. 109-13, requires states to comply with  
5 federally mandated eligibility criteria in issuing driver's  
6 licenses, including the requirement of proof of lawful presence  
7 in the United States. Accordingly, a person who does not submit  
8 satisfactory proof of the person's presence in the United  
9 States, as authorized by federal law, cannot legally operate a  
10 motor vehicle. The REAL ID Act, however, specifically allows  
11 states to issue driver's licenses that do not comply with the  
12 minimum federal use requirements and standards of the REAL ID  
13 Act, a critical exception. Since 2010 when the State  
14 implemented the restrictive identification requirements for  
15 driver's licenses, a significant number of residents are now  
16 unable to carry out necessary daily activities unless they



1 operate motor vehicles without a license, and therefore, without  
2 insurance.

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

12 In recent years, there has been a significant increase in  
13 state efforts to expand access to driver's licenses for persons  
14 who cannot provide proof of authorized presence in the United  
15 States. Several states now grant access to a driver's license  
16 regardless of immigration status and only require that the  
17 applicant establish evidence of current residency in the  
18 respective state.

19 The legislature further finds that the lack of access to  
20 driver's licensure as a result of restrictive identification  
21 requirements poses a serious threat to public safety. Allowing



1 all age-qualifying residents to obtain driver's licenses will  
2 improve public safety by ensuring that all drivers are tested  
3 for driving skills and able to acquire motor vehicle insurance.

4 It is not the intent of this Act to jeopardize the State's  
5 compliance with the REAL ID Act of 2005 or the receipt of any  
6 federal grants or funding. Issuing restricted driver's licenses  
7 clearly marked as not acceptable for federal identification  
8 purposes for the limited purpose of driving a motor vehicle, is  
9 permissible and will not jeopardize the State's eligibility for  
10 federal grants or funding.

11 The purpose of this Act is to create a limited purpose  
12 driver's license, limited purpose provisional driver's license,  
13 and limited purpose instruction permit for all age-eligible  
14 drivers; provided that all other qualifications for such  
15 licensure or permitting are met, including satisfactory proof of  
16 identity and proof of Hawaii residency.

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

20 "§286- Limited purpose driver's license, limited purpose  
21 provisional driver's license, and limited purpose instruction



1 permit; requirements; limitations. (a) Notwithstanding section  
2 286-104(7), a person who submits an application for a driver's  
3 license, provisional driver's license, or instruction permit  
4 that is unable or refuses to provide satisfactory proof of  
5 authorized presence in the United States pursuant to federal  
6 law, yet satisfies the remaining requirements of this part,  
7 including providing the examiner of drivers with proof of the  
8 applicant's identity and residency in the State, shall be issued  
9 a limited purpose driver's license, limited purpose provisional  
10 driver's license, or a limited purpose instruction permit that  
11 shall allow a person to operate a motor vehicle; provided that  
12 the limited purpose driver's license, limited purpose  
13 provisional driver's license, or a limited purpose instruction  
14 permit is clearly marked as not acceptable for federal  
15 identification purposes. An applicant may submit the following  
16 documentation as proof of identity and Hawaii residency:

17 (1) A valid, unexpired consular identification document  
18 issued by a consulate from the applicant's country of  
19 citizenship;

20 (2) A valid, unexpired passport issued by the applicant's  
21 country of citizenship;



- 1        (3) An original birth certificate, or other proof of age,  
2        as designated by the director;
- 3        (4) A current home utility bill, lease or rental  
4        agreement, or other proof of Hawaii residency, as  
5        designated by the director;
- 6        (5) A United States Department of Homeland Security Form  
7        I-589, Application for Asylum and for Withholding of  
8        Removal;
- 9        (6) An official school or college transcript that includes  
10       the applicant's date of birth, or a foreign school  
11       record that is sealed and includes a photograph of the  
12       applicant at the age the record was issued;
- 13       (7) An official school or college identification card that  
14       includes the applicant's full name and a photograph of  
15       the applicant at the time the identification was  
16       issued;
- 17       (8) A United States Department of Homeland Security Form  
18       I-20, or Form DS-2019 (Certificate of Eligibility for  
19       Exchange Visitor (J-1)) Status;
- 20       (9) A United States Customs and Immigration Services  
21       Deferred Action for Childhood Arrival Approval Letter;



- 1        (10) A deed or title to real property;
- 2        (11) An identification card for health benefits;
- 3        (12) An identification card for a state public assistance  
4        program;
- 5        (13) A current voter registration card issued by the State;
- 6        (14) A payroll statement indicating wages earned in this  
7        State issued no more than six months preceding the  
8        time of the application;
- 9        (15) An income tax return filed in the State no more than  
10       two years preceding the time of the application;
- 11       (16) A social security card;
- 12       (17) The following documents, which, if in a language other  
13       than English, shall be accompanied by a certified  
14       translation or an affidavit of translation into  
15       English:
- 16       (A) A marriage license or divorce certificate;
- 17       (B) A current foreign federal electoral photo card  
18       issued on or after January 1, 1991;
- 19       (C) A current foreign student identification card; or
- 20       (D) A current driver's license issued by another  
21       country.



1        (b) Except as otherwise provided in this subsection, an  
2        application for a limited purpose driver's license, limited  
3        purpose provisional driver's license, or limited purpose  
4        instruction permit shall be made upon the form and in the manner  
5        required under section 286-111; and shall be accompanied by the  
6        payment of the fee established for non-limited purpose licenses  
7        or permits under section 286-111.

8        (c) Notwithstanding any other law, the director shall not  
9        require any applicant for a limited purpose driver's license,  
10       limited purpose provisional driver's license, or limited purpose  
11       instruction permit to furnish information regarding the  
12       applicant's ineligibility for a social security account number.  
13       The director shall not disclose the identity of an applicant who  
14       does not provide a social security card as a form of  
15       identification for purposes of this section.

16       (d) A limited purpose driver's license, limited purpose  
17       provisional driver's license, or limited purpose instruction  
18       permit issued pursuant to this section shall:

19       (1) On its face bear the phrase, "Not acceptable for  
20       federal identification purposes"; and



1       (2) On the reverse side bear the phrase, "This license is  
2       issued only as a license to drive a motor vehicle. It  
3       does not establish eligibility for employment, voter  
4       registration, or public benefits.

5       (e) A limited purpose driver's license shall expire on the  
6       first birthday of the licensee occurring eight years after the  
7       date of the issuance of the limited purpose driver's license,  
8       unless sooner revoked or suspended; provided that:

9       (1) The limited purpose driver's license shall expire on  
10       the first birthday of the licensee occurring four  
11       years after the date of the issuance of the limited  
12       purpose driver's license, if at the time of issuance  
13       the applicant is twenty-four years of age or younger;

14       (2) The limited purpose driver's license shall expire on  
15       the first birthday of the licensee occurring two years  
16       after the date of the issuance of the limited purpose  
17       driver's license, if at that time of the issuance the  
18       applicant is seventy-two years of age or older;

19       (3) If the applicant is a legal immigrant, the license  
20       shall expire no later than the licensee's authorized  
21       period of stay in the United States;





1       (4) In the case of a provisional license, if not suspended  
2       or revoked, a limited purpose provisional driver's  
3       license shall expire on the date of the limited  
4       purpose provisional licensee's nineteenth birthday;  
5       and

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

8       (f) A limited purpose driver's license or limited purpose  
9       provisional driver's license shall be renewed in accordance with  
10      section 286-107 and reactivated in accordance with section 286-  
11      107.5. A limited purpose instruction permit shall be renewed in  
12      accordance with section 286-110.

13      (g) A limited purpose driver's license, limited purpose  
14      provisional driver's license, or limited purpose instruction  
15      permit shall not be used to consider a person's citizenship or  
16      immigration status in a criminal investigation, arrest, or  
17      detention.

18      (h) Documents and information collected during the  
19      application process for a limited purpose driver's license,  
20      limited purpose provisional driver's license, or limited purpose  
21      instruction permit shall be confidential and shall not be



1 disclosed by the examiner of drivers or the department, except  
2 as required by law.

3 (i) If it is determined that the requirements under this  
4 section do not comply with applicable federal law, the examiner  
5 of drivers, under the direction of the department, shall modify  
6 the limited purpose license and permit requirements to the  
7 extent necessary to satisfy the requirements of federal law.

8 (j) The licensing authority may adopt rules pursuant to  
9 chapter 91 to implement and enforce the requirements of this  
10 section."

11 SECTION 4. Section 286-102, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) No person, except one ~~[exempted]~~;

14 (1) Exempted under section 286-105[, ~~one who~~];

15 (2) Who holds an instruction permit under section  
16 286-110[, ~~one who~~];

17 (3) Who holds a limited purpose license, limited purpose  
18 provisional license, limited purpose instruction  
19 permit under section 286- ;

20 (4) Who holds a provisional license under section  
21 286-102.6[, ~~one who~~];



1        (5)   Who holds a commercial driver's license issued under  
2                   section 286-239[, ~~or one who~~]; or

3        (6)   Who holds a commercial driver's license instruction  
4                   permit issued under section 286-236,

5 shall operate any category of motor vehicles listed in this  
6 section without first being appropriately examined and duly  
7 licensed as a qualified driver of that category of motor  
8 vehicles."

9        SECTION 5.   Section 286-110, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11        "(a)   Any person aged fifteen years and six months or more  
12 who, except for the person's lack of instruction in operating a  
13 motor vehicle, would be qualified to obtain a driver's license  
14 issued under this part may apply for a temporary instruction  
15 permit or a limited purpose instruction permit at the office of  
16 the examiner of drivers in the county in which the applicant  
17 resides; provided that the applicant complies with section  
18 286-102.5."

19        SECTION 6.   Section 286-111, Hawaii Revised Statutes, is  
20 amended as follows:

21        1.   By amending subsection (a) to read:



1        "(a) Every application for an instruction permit,  
2        provisional license, ~~[or]~~ driver's license, limited purpose  
3        driver's license, limited purpose provisional driver's license,  
4        or limited purpose instruction permit shall be made upon a form  
5        furnished by the examiner of drivers and shall be verified by  
6        the applicant before a person authorized to administer oaths.  
7        The examiner of drivers and officers serving under the examiner  
8        may administer the oaths without charge. Each application for  
9        an instruction permit for a category (1), (2), (3), or (4)  
10       license shall be accompanied by a fee to be determined by the  
11       council of each county, and each application for a provisional  
12       license or driver's license shall be accompanied by the fee,  
13       unless the applicant has already paid the fee upon application  
14       for an instruction permit in the same county, in which event no  
15       fee shall be charged. An additional fee to be determined by the  
16       council of each county shall be charged and collected upon the  
17       issuance of a provisional license or driver's license. All of  
18       the foregoing fees shall become county realizations."

19       2. By amending subsection (e) to read:

20       "(e) ~~[If]~~ Except as provided in section 286- , if the  
21       applicant is not eligible to receive a social security number,



the applicant shall submit, in lieu of providing proof of social security number pursuant to subsection (d):

(1) A United States Social Security Administration letter stating that the applicant is ineligible to obtain a social security number; and

(2) Either:

(A) A government-issued photo identification document; or

(B) Other identification documents as deemed acceptable by the director."

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on January 1, 2016.

INTRODUCED BY:

Will Lyne  
Lorraine F. Monroe  
Clarence K. Michels



**Report Title:**

Drivers Safety Act; Motor Vehicle Licensing; Proof of Residency;  
Proof of Identity; REAL ID Act of 2005

**Description:**

Creates a limited purpose driver's license, limited purpose provisional driver's license, and limited purpose instruction permit. Provides that limited purpose driver's licenses, limited purpose provisional driver's licenses, and limited purpose instruction permits shall not be acceptable for federal identification purposes. Requires satisfactory proof of identity and Hawaii residency. Effective 1/1/2016.

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

