
A BILL FOR AN ACT

RELATING TO NONRESIDENTS.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . KAMAAINA CARDS

5 §286-A Issuance of kamaaina card. (a) To obtain a
6 kamaaina card from the examiner of drivers, an individual shall
7 complete an application pursuant to section 286-C.

8 (b) The examiner of drivers, upon receipt of the
9 application by any individual who is a nonresident of this
10 State, shall issue a kamaaina card to that individual upon
11 receipt of any appropriate fee established pursuant to section
12 286-I.

13 (c) The kamaaina card shall be similar in size, shape, and
14 design to a driver's license, but shall not entitle the
15 individual to whom it is issued to operate a motor vehicle.

16 (d) The issuance of a kamaaina card pursuant to this
17 section shall not place upon the State of Hawaii or any state or



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1 county agency any liability for the misuse or the acceptance of
2 the kamaaina card as valid identification, which shall be left
3 entirely to the discretion of any individual to whom the card is
4 presented.

5 (e) A kamaaina card shall not be a valid REAL ID or a
6 valid identification card.

7 (f) Any individual who has been issued a kamaaina card and
8 later becomes a resident of the State shall immediately
9 surrender the kamaaina card to the examiner of drivers.

10 **§286-B Oaths and investigations.** The examiner of drivers
11 and each authorized subordinate may administer oaths and require
12 and take oral or written statements under oath of any individual
13 in connection with any information required under this part or
14 any rule under part VI and this part.

15 **§286-C Application for kamaaina card.** (a) Application
16 for the kamaaina card shall be made in person by any adult or
17 minor. The minimum age for minors to obtain a kamaaina card
18 shall be ten years of age. In the case of a minor under the age
19 of fourteen years, the application shall be made on the minor's
20 behalf by the parent, or by another individual in loco parentis
21 of the minor who can provide proof of guardianship. In the case



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1 of an incompetent individual, the application shall be made by
2 the individual having the custody or control of or maintaining
3 the incompetent individual.

4 (b) Every application for a kamaaina card or duplicate of
5 a kamaaina card shall be made on a form developed by the
6 director and furnished by the examiner of drivers, signed by the
7 applicant, and signed by the applicant's parent or guardian if
8 the applicant is under eighteen years of age. The application
9 shall contain the following information:

- 10 (1) Name and complete address, including the number and
11 street name, of the applicant's permanent residence;
- 12 (2) The applicant's occupation and any pertinent data
13 relating thereto;
- 14 (3) The applicant's citizenship status;
- 15 (4) The applicant's veteran status if applicable and
16 desired by the applicant;
- 17 (5) The applicant's date and place of birth;
- 18 (6) General description of the applicant, including the
19 applicant's gender, height, weight, hair color, and
20 eye color;



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- 1 (7) The applicant's left and right index fingerprints or,
2 if clear impressions cannot be obtained, other
3 identifying imprints as specified by rules of the
4 director;
- 5 (8) The social security number of the applicant; and
- 6 (9) A digitized frontal photograph of the applicant's full
7 face.
- 8 (c) Each applicant shall present:
- 9 (1) The original or certified copy of a birth certificate
10 demonstrating that the applicant was born in the State
11 of Hawaii; and
- 12 (2) Other documentary evidence as required by the examiner
13 of drivers of the applicant's age and identity,
14 including proof of name change if the applicant's
15 current name is different from that on the applicant's
16 birth certificate,
- 17 and the applicant shall swear or affirm that all information
18 given is true and correct.
- 19 (d) The examiner of drivers shall maintain a suitable,
20 indexed record of all applications.



1 §286-D Procedure. (a) All information required by
2 section 286-C shall be obtained by employees of the examiner of
3 drivers as provided for by rules adopted pursuant to section
4 286-I and by individual interviews with the applicant for the
5 kamaaina card or parent, individual in loco parentis, or
6 guardian, as shown by letters of guardianship. Every applicant
7 or individual providing information on behalf of any applicant
8 under part VI and this part shall answer truthfully all
9 questions, furnish all information within the possession or
10 knowledge of the individual that may be asked or required by the
11 employee within the scope of the requirements of this part, and
12 submit to the examiner of drivers all information and supporting
13 documentation required by rules of the director.

14 (b) Special provisions may be made by rules adopted by the
15 director.

16 (c) The examiner of drivers may require an applicant, or
17 any individual providing information on behalf of an applicant,
18 to furnish original or certified copies of documents to
19 establish or corroborate the information required to establish
20 identity under this part and may, by rules, set forth what



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1 and month of the individual's birthday ten years after the year
2 of issuance. A cardholder may renew the cardholder's kamaaina
3 card within two years before the day on which it expires by
4 filing an application as prescribed by the director and paying
5 the fee established by rules of the director.

6 (b) If a kamaaina card is lost, destroyed, stolen, or
7 mutilated, the individual to whom the kamaaina card was issued
8 may obtain a duplicate by paying the fee established by rules of
9 the director and by:

- 10 (1) Furnishing suitable proof of the loss, destruction, or
11 mutilation to the examiner of drivers; and
12 (2) Filing an application and presenting documentary
13 evidence pursuant to section 286-C.

14 Any individual who loses a kamaaina card and, after obtaining a
15 duplicate, finds the original, shall immediately surrender the
16 original to the examiner of drivers.

17 (c) The examiner of drivers shall cancel any kamaaina card
18 upon determining that the kamaaina card was obtained unlawfully,
19 issued in error, or altered.

20 **§286-G Kamaaina cards not to be altered; duties of holder;**
21 **lost certificates.** (a) No individual, except agents of the



1 examiner of drivers acting pursuant to the authority of law,
2 shall alter, deface, or destroy any kamaaina card. Except as
3 specifically authorized by this section or the rules of the
4 director, no cardholder shall loan or give the individual's
5 kamaaina card to any other individual, and no individual shall
6 use the kamaaina card of any other individual.

7 (b) Any individual whose kamaaina card is stolen or
8 otherwise lost, altered, defaced, or destroyed, may at any time
9 apply for a duplicate kamaaina card. The duplicate shall be
10 issued by the examiner of drivers upon being satisfied as to the
11 loss, alteration, defacing, or destruction. In the case of an
12 altered or defaced kamaaina card, the kamaaina card, if
13 available, shall be surrendered by the cardholder and canceled
14 by the examiner of drivers.

15 (c) Any individual finding or coming into possession of
16 the kamaaina card of any other individual shall promptly return
17 or deliver the card to the owner thereof, the examiner of
18 drivers that issued it, or any law enforcement officer.

19 §286-H Correction or alteration of records and kamaaina
20 cards in cases of error or subsequent changes concerning names,
21 citizenship, description, etc. (a) A cardholder who, after



1 receiving a kamaaina card, has a change in one or more of the
2 following:

3 (1) Name, legally changed by marriage, divorce, adoption,
4 legitimization, order of the lieutenant governor, or
5 other legal means;

6 (2) Citizenship status;

7 (3) Address; or

8 (4) Individual in charge of the cardholder (in the case of
9 a minor or incompetent individual),

10 within thirty days after the change, shall report the change,
11 submit supporting documents, and present the cardholder's
12 kamaaina card to the examiner. The examiner of drivers, upon
13 being furnished with satisfactory proof as to the change, and
14 receiving payment of the fee, shall cancel the kamaaina card and
15 issue a new kamaaina card bearing the new name, citizenship
16 status, or address of the cardholder, making appropriate
17 notation of the facts upon the records of the examiner of
18 drivers.

19 (b) If any error has been made in any item of information
20 contained in the records of the examiner of drivers or on the
21 kamaaina card concerning any cardholder, the examiner of drivers



1 or the cardholder, upon application and upon provision of
2 evidence satisfactory to the examiner that an error has been
3 committed, may correct the error and, in such case, shall make
4 appropriate changes or notations stating the error and the
5 correct information in the records of the examiner of drivers
6 and on the kamaaina card.

7 (c) If any item of the cardholder's personal information
8 was originally correct, but will change after issuance of the
9 kamaaina card and the examiner of drivers finds the change
10 material, the examiner of drivers may register the change and
11 alter the records and kamaaina card to conform thereto, upon
12 receipt of satisfactory evidence of the change and approval of
13 the examiner of drivers.

14 §286-I Rules. For the purpose of carrying out this part,
15 the director shall adopt rules pursuant to chapter 91, including
16 rules assessing reasonable fees for the services provided under
17 this part.

18 §286-J Forms. The director may prepare, prescribe, and
19 furnish, in conformity with this part, forms for questionnaires,
20 notices, fingerprint cards or forms, certificates of
21 identification, instructions, and all other forms necessary or



1 proper for the prompt, efficient, and adequate execution of the
2 functions of the examiner of drivers set forth in this part.

3 **§286-K Custody and use of records; confidential**

4 information. (a) All information and records acquired by the
5 examiner of drivers under this part shall be confidential. All
6 information and records shall be maintained in an appropriate
7 form and in an appropriate office in the custody and under the
8 control of the examiner of drivers. The information shall be
9 available only to authorized individuals under any restrictions
10 as the director shall prescribe. The examiner of drivers may
11 dispose of any application or kamaaina card, or information or
12 record relating to the application or kamaaina card, which does
13 not include a social security number, without regard to chapter
14 94, whenever, in the examiner's discretion, retention of the
15 information or record is no longer required or practicable.

16 (b) No officer or employee of the examiner of drivers
17 shall divulge any information concerning any cardholder acquired
18 from the records of the examiner of drivers or acquired in the
19 performance of any of the officer's or employee's duties under
20 part VI and this part to any individual not authorized to
21 receive the same pursuant to part VI and this part. No



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1 individual acquiring from the records any information concerning
2 any cardholder shall divulge the information to any individual
3 not so authorized to receive the same.

4 **§286-L Kamaaina card fee special fund.** There is
5 established in the state treasury a special fund to be known as
6 the kamaaina card fee special fund. The fund shall consist of
7 all fees assessed for the processing and issuance of kamaaina
8 cards. The fund shall be used for the purposes of the kamaaina
9 card program. The fund shall be administered by the director.
10 The fund shall be held separate and apart from all other moneys,
11 funds, and accounts in the state treasury. Interest and
12 investment earnings credited to the assets of the fund shall
13 become a part of the fund. Any balance remaining in the fund at
14 the end of any fiscal year shall be carried over to the next
15 fiscal year.

16 **§286-M Reimbursement to counties.** The counties shall be
17 reimbursed the incremental costs incurred in the administration
18 of this part. The amount of reimbursement shall be determined
19 by the director."

20 SECTION 2. In codifying the new sections added by section
21 1 of this Act, the revisor of statutes shall substitute



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1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 3. This Act shall take effect on July 1, 2018.

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INTRODUCED BY: OLG (BR)

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Report Title:

Kamaaina Card; Nonresident Identification

Description:

Establishes the kamaaina card program for nonresident individuals born in Hawaii.

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

