

JAN 18 2019

A BILL FOR AN ACT

RELATING TO GENDER IDENTIFICATION.

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

1 SECTION 1. The legislature finds that according to a 2016
2 report by the Williams Institute, Hawai'i has the highest
3 percentage of transgender-identifying individuals in the United
4 States, and that overall transgender-identifying individuals
5 experience high levels of discrimination in every area of life.
6 Hawai'i has been at the forefront of policies offering protection
7 to transgender people and should continue to take proactive
8 measures. A 2013 University of Hawai'i report found that gender-
9 stereotypical polices and norms continue to stigmatize and
10 exclude transgender people in the State. According to the 2018
11 sexual and gender minority health report by the state department
12 of health, the stigmatized minority status of transgender
13 individuals is causing negative and disproportionate health
14 outcomes, economic opportunities, and sociopolitical power.

15 Currently, driver's licenses are sex-marked. The
16 legislature finds that sex markers on identification documents
17 enable sex-identity and gender-identity discrimination and are



1 not rationally related to a legitimate policy goal. Mandatory
2 binary classification does not accommodate the wide range of
3 natural biological variations or gender expressions.
4 Additionally, it is overly burdensome for transgender
5 individuals to obtain a new sex or gender on a driver's license.

6 The purpose of this Act is to allow transgender and gender-
7 nonconforming individuals to avoid invasive questioning and
8 discriminatory treatment by expanding gender options when
9 applying for a driver's license and state identification card.

10 SECTION 2. Section 286-109, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Upon payment of the required fee and upon
13 demonstrating the ability to operate a certain category or
14 categories of motor vehicles to the satisfaction of the examiner
15 of drivers, an applicant for a driver's license shall be issued
16 a single license of a design approved by the director of
17 transportation upon which is made a notation of:

18 (1) The person's full legal name, date of birth, gender
19 category, residence address, and license number;

20 ~~[-(1)]~~ (2) The category or categories of motor vehicles the
21 applicant may operate;



1 conflict and are currently United States citizens, and was
2 discharged under conditions other than dishonorable."

3 SECTION 3. Section 286-111, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) Every application shall state the full name, date of
6 birth, [~~sex,~~] gender category, occupation, veteran status if
7 applicable (including veterans of the Korean conflict and
8 persons who served in the armed forces of the Republic of Korea,
9 who fought under the command of the United Nations led by the
10 United States, during the Korean conflict and are currently
11 United States citizens) and desired by the applicant, social
12 security number if the applicant is eligible for a social
13 security number, the residence address, and business address, if
14 any, of the applicant, shall briefly describe the applicant, and
15 shall state whether the applicant has theretofore been licensed
16 as a driver, and, if so, when and in what state or country, and
17 whether any such license has ever been suspended or revoked, or
18 whether an application has ever been refused, and if so, the
19 date of and reason for the suspension, revocation, or refusal.

20 The department of transportation shall not require
21 documentation for an applicant's selection of birth gender



1 category or an applicant's request for an amendment to a gender
2 category other than the applicant's self-certification of their
3 chosen gender category; provided that the department shall not
4 be prohibited from requiring documentation that may incidentally
5 show an applicant's birth gender category if such documentation
6 is necessary to establish that the applicant is legally entitled
7 to a license.

8 For purpose of this subsection, "gender category" shall
9 have the same meaning as in section 286-109(a)."

10 SECTION 4. Section 286-303, Hawaii Revised Statutes, is
11 amended by amending subsection (c) to read as follows:

12 "(c) Every application for an identification card or
13 duplicate of an identification card shall be made on a form
14 developed by the director and furnished by the examiner of
15 drivers, signed by the applicant, and signed by the applicant's
16 parent or guardian if the applicant is under eighteen years of
17 age. The application shall contain the following information:

- 18 (1) Name and complete address, including the number and
19 street name, of the applicant's permanent residence;
- 20 (2) The applicant's occupation and any pertinent data
21 relating thereto;



- 1 (3) The applicant's citizenship status;
- 2 (4) The applicant's veteran status if applicable and
- 3 desired by the applicant;
- 4 (5) The applicant's date and place of birth;
- 5 (6) General description of the applicant, including the
- 6 applicant's gender[-] category, height, weight, hair
- 7 color, and eye color;
- 8 (7) The applicant's left and right index fingerprints or,
- 9 if clear impressions cannot be obtained, other
- 10 identifying imprints as specified by rules of the
- 11 director;
- 12 (8) The social security number of the applicant; and
- 13 (9) A digitized frontal photograph of the applicant's full
- 14 face.

15 Each applicant shall present documentary evidence as required by
16 the examiner of drivers of the applicant's age and identity, and
17 the applicant shall swear or affirm that all information given
18 is true and correct[-]; provided that an applicant shall not be
19 required to provide documentation to prove the applicant's
20 gender category other than the applicant's self-certification of
21 their chosen gender category; provided further that

1 documentation that may incidentally show an applicant's birth
2 gender may be required if necessary to establish that the
3 applicant is legally entitled to an identification card.

4 For purposes of this subsection, "gender category" shall
5 have the same meaning as in section 286-109(a)."

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2020.

9

INTRODUCED BY: Kal Rhoads



S.B. NO. 429

Report Title:

Driver's License Application; State Identification Cards; Gender Categories

Description:

Requires a license to include a person's full legal name, date of birth, gender category, residence address, and license or identification card number. Includes a third option of gender identification for driver's license and state identification card applicants. Effective 7/1/2020.

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

