



GOV. MSG. NO. 1424

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 12, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 12, 2022, the following bill was signed into law:

HB1761 HD1 SD2 CD1

RELATING TO IDENTIFICATION CARDS.
ACT 295

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

ORIGINAL

Approved by the Governor
JUL 12 2022
on _____

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 295

H.B. NO. 1761
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO IDENTIFICATION CARDS.

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

1 SECTION 1. The legislature finds that the federal REAL ID
2 Act of 2005, P.L. 109-13, requires states to comply with
3 federally mandated eligibility criteria in issuing driver's
4 licenses and identification cards, which are often referred to
5 as "REAL ID compliant". However, the REAL ID Act specifically
6 allows states to issue driver's licenses and identification
7 cards that do not comply with the requirements of the REAL ID
8 Act.

9 The legislature recognizes that many residents who are
10 young adults, elderly persons, houseless persons, undocumented
11 immigrants, or lawfully present non-immigrants do not drive and
12 are also unable to meet the stringent requirements for a REAL
13 ID-compliant identification card. These residents are therefore
14 unable to access state-issued identification.

15 The legislature further finds that the coronavirus disease
16 2019 (COVID-19) pandemic has exacerbated the already difficult,
17 but necessary, process of proving one's identity. Restaurants,



1 theaters, public libraries, and other public venues now require
2 valid proof of vaccination and identity for entry. Before the
3 COVID-19 pandemic, state office buildings, including the Queen
4 Liliuokalani and Princess Ruth Keelikolani buildings, required
5 valid proof of identity for entry.

6 The legislature notes that pursuant to Act 172, Session
7 Laws of Hawaii 2015, the limited purpose driver's license,
8 limited purpose provisional driver's license, and limited
9 purpose instruction permit were made available to individuals
10 who otherwise satisfy the requirements for a driver's license,
11 provisional driver's license, or instruction permit except for
12 the individual's inability or refusal to provide satisfactory
13 proof of authorized presence in the United States under federal
14 law. The legislature believes that a similar limited purpose
15 identification card would benefit the residents of the State by:

- 16 (1) Helping emergency personnel, including police and
17 emergency response teams, to better identify persons
18 in distress and other persons that these emergency
19 personnel encounter;
- 20 (2) Providing access to public services to individuals
21 previously unable to obtain a government-issued



1 identification card, including having prescriptions
2 filled; picking up packages at post offices; and
3 enjoying kamaaina discounts at museums, hotels, and
4 public parks, including Hanauma Bay;

5 (3) Promoting public safety by easing many undocumented
6 immigrants' fears of interacting with law enforcement
7 while lacking valid identification; and

8 (4) Providing access to financial services offered by, and
9 allowing more residents to open accounts at, banks
10 that honor state identification cards, which will, in
11 turn:

12 (A) Increase the personal safety of these residents
13 as they will no longer have to personally carry
14 large amounts of cash; and

15 (B) Make these residents less reliant on
16 check-cashing businesses that may charge fees of
17 up to five per cent or \$5 per transaction.

18 Accordingly, the purpose of this Act is to authorize the
19 issuance of limited purpose identification cards for individuals
20 who otherwise satisfy the requirements for a government-issued
21 identification card except for the individual's inability or



1 refusal to provide satisfactory proof of authorized presence in
2 the United States under federal law.

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

6 "§286- Limited purpose identification cards. (a)

7 Every person who submits an application for an identification
8 card that satisfies the requirements of this part except for the
9 applicant's inability or refusal to provide satisfactory proof
10 of authorized presence in the United States under federal law
11 shall be issued a limited purpose identification card that is
12 uniquely identified as being not in compliance with the REAL ID
13 Act of 2005. The examiner of drivers shall accept various types
14 of documentation for the purpose of establishing the applicant's
15 identity and residency in the State, which may be established by
16 more than one document. Acceptable documentation includes:

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



- 1 (2) An original birth certificate or other proof of age,
2 as designated by the examiner of drivers;
- 3 (3) A current home utility bill, lease, or rental
4 agreement, or deed or title to real property in the
5 State, as designated by the examiner of drivers;
- 6 (4) A United States Department of Homeland Security Form
7 I-589, Application for Asylum and for Withholding of
8 Removal;
- 9 (5) 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 (6) 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 (7) A United States Department of Homeland Security Form
18 I-20 or United States Department of State Form DS-
19 2019;
- 20 (8) A United States Citizenship and Immigration Services
21 Deferred Action for Childhood Arrival approval letter;



- 1 (9) A valid identification card for health benefits;
- 2 (10) A valid identification card for an assistance or
- 3 social services program;
- 4 (11) A current voter registration card issued by the State;
- 5 (12) A wage stub issued in the six months immediately
- 6 preceding submittal of the applicable application;
- 7 (13) An income tax return filed in the two years
- 8 immediately preceding submittal of the applicable
- 9 application;
- 10 (14) A social security card;
- 11 (15) One of the following documents which, if in a language
- 12 other than English, shall be accompanied by a
- 13 certified translation or an affidavit of translation
- 14 into English:
- 15 (A) Marriage license or divorce certificate;
- 16 (B) Foreign federal electoral photo card issued on or
- 17 after January 1, 1991;
- 18 (C) Foreign student identification card; or
- 19 (D) Foreign driver's license;
- 20 (16) A prison identification, certificate of discharge, or
- 21 order of parole issued by the department of public



1 safety, or a printout prepared by the department of
2 public safety with the applicant's photograph, name,
3 and date of birth; or

4 (17) Other proof of Hawaii residency as designated by the
5 director.

6 (b) Every application under this section shall be made
7 upon the form, and in the manner, required by section 286-303
8 and be accompanied by the fee established for non-limited
9 purpose identification cards pursuant to section 286-309. The
10 examiner of drivers shall not:

11 (1) Require any applicant under this section to furnish
12 information regarding the applicant's eligibility or
13 ineligibility for a social security number; or

14 (2) Disclose the identity of any applicant who does not
15 provide a social security card or social security
16 number.

17 (c) Every limited purpose identification card issued
18 pursuant to this section shall on its face and in a machine
19 readable zone bear the phrase, "Not acceptable for official
20 federal purposes"; be of a unique design or color indication
21 that clearly distinguishes the limited purpose identification



1 card from the State's federally compliant identification cards;
2 and on its reverse bear the phrase, "This identification card is
3 issued only for state identification purposes. It does not
4 establish eligibility for employment, voter registration, or
5 public benefits". If the United States Department of Homeland
6 Security determines that any limited purpose identification card
7 issued pursuant to this section does not satisfy the
8 requirements of title 6 Code of Federal Regulations section
9 37.71, the examiner of drivers, under the direction of the
10 department of transportation, shall modify the limited purpose
11 identification card issued pursuant to this section; provided
12 that the limited purpose identification card shall only be
13 modified to the extent necessary to satisfy the requirements of
14 the federal law.

15 (d) Every limited purpose identification card shall expire
16 in accordance with section 286-306.

17 (e) A limited purpose identification card may be renewed
18 in accordance with section 286-306.

19 (f) It shall be a violation of law to discriminate against
20 a person because the person applied for, was denied, was issued,
21 holds, or presents a limited purpose identification card.



1 (g) A limited purpose identification card issued pursuant
2 to this section shall not be used to consider a person's
3 citizenship or immigration status as a basis for a criminal
4 investigation, arrest, or detention.

5 (h) Documents and information collected pursuant to an
6 application for, denial of, or issuance of a limited purpose
7 identification card shall be confidential and shall not be
8 disclosed by the examiner of drivers or the department of
9 transportation except as required by law.

10 (i) A person in possession of a REAL ID document shall be
11 ineligible for a limited purpose identification card.

12 (j) The director shall adopt rules in accordance with
13 chapter 91 to implement this section."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 12th day of July , 2022



GOVERNOR OF THE STATE OF HAWAII



HB No. 1761, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 03, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.


President of the Senate


Clerk of the Senate