

JAN 21 2022

---

---

# 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, Pub. L. No. 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, houseless, undocumented immigrants, or  
11 lawfully present non-immigrants do not drive and are unable to  
12 meet the stringent requirements for a REAL ID-compliant  
13 identification card. These residents are therefore unable to  
14 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. Prior to 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 instructional permit were made available to individuals  
10 who otherwise satisfy the requirements for a driver's license,  
11 provisional driver's license, or instructional permit except for  
12 the individual's refusal to provide satisfactory proof of  
13 authorized presence in the United States under federal law. The  
14 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 refusal to



1 provide satisfactory proof of authorized presence in the United  
2 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 Form DS-2019;
- 19       (8) A United States Customs and Immigration Services  
20       Deferred Action for Childhood Arrival Approval Letter;
- 21       (9) A valid identification card for health benefits;



- 1        (10) A valid identification card for an assistance or  
2                    social services program;
- 3        (11) A current voter registration card issued by the State;
- 4        (12) A wage stub issued in the last six months;
- 5        (13) An income tax return filed in the last two years;
- 6        (14) A social security card;
- 7        (15) One of the following documents which, if in a language  
8                    other than English, shall be accompanied by a  
9                    certified translation or an affidavit of translation  
10                   into English:
- 11                (A) Marriage license or divorce certificate;
- 12                (B) Foreign federal electoral photo card issued on or  
13                    after January 1, 1991;
- 14                (C) Foreign student identification card; or
- 15                (D) Foreign driver's license; or
- 16        (16) Other proof of Hawaii residency as designated by the  
17                    director.
- 18                (b) Every application under this section shall be made  
19                    upon the form and in the manner required by section 286-303 and  
20                    shall be accompanied by the fee established for non-limited



1 purpose identification cards pursuant to section 286-309. The  
2 examiner of drivers shall not:

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

6 (2) Disclose the identity of any applicant who does not  
7 provide a social security card or social security  
8 number.

9 (c) Every limited purpose identification card issued  
10 pursuant to this section shall on its face and in a machine  
11 readable zone bear the phrase, "Not acceptable for official  
12 federal purposes", and be of a unique design or color indication  
13 that clearly distinguishes the limited purpose identification  
14 card from the State's fully federally compliant identification  
15 cards. If the United States Department of Homeland Security  
16 determines that any limited purpose identification card issued  
17 pursuant to this section do not satisfy the requirements of  
18 title 6 Code of Federal Regulations section 37.71, the examiner  
19 of drivers, under the direction of the department of  
20 transportation, shall modify the limited purpose identification  
21 card issued pursuant to this section; provided that the limited



1 purpose identification card shall only be modified to the extent  
2 necessary to satisfy the requirements of the federal law.

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

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

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

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

14 (h) Documents and information collected pursuant to an  
15 application for, denial of, or issuance of a limited purpose  
16 identification card shall be confidential and shall not be  
17 disclosed by the examiner of drivers or the department except as  
18 required by law.

19 (i) The director shall adopt rules in accordance with  
20 chapter 91 to implement this section."

21 SECTION 3. New statutory material is underscored.





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

2

INTRODUCED BY: Bennette J. Mwilah



# S.B. NO. 2456

**Report Title:**

Filipino Caucus; Identification Cards; Limited Purpose;  
Documentation

**Description:**

Authorizes the issuance of limited purpose identification cards  
for certain residents.

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

