
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, financial
10 institutions that honor state identification cards,
11 which will, in 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-A Limited purpose identification card. (a)
7 Notwithstanding subsection (h) to the contrary, every person who
8 submits an application for an identification card that satisfies
9 the requirements of this part, except for the applicant's
10 inability or refusal to provide satisfactory proof of authorized
11 presence in the United States under federal law, shall be issued
12 a limited purpose identification card that is uniquely
13 identified in compliance with the REAL ID Act of 2005 upon
14 satisfactory proof to the examiner of drivers of the applicant's
15 identity and residency in the State; provided, however, that a
16 person who has been issued a REAL ID compliant driver's license
17 or identification card in any state shall not be issued a
18 limited purpose identification card under this section. The
19 examiner of drivers shall accept various types of documentation
20 for the purpose of establishing the applicant's identity and



1 residency in the State, which may be established by more than
2 one document. Acceptable documentation includes:

- 3 (1) A valid, unexpired consular identification document
4 issued by a consulate from the applicant's country of
5 citizenship or a valid, unexpired passport from the
6 applicant's country of citizenship;
- 7 (2) An original birth certificate or other proof of age,
8 as designated by the examiner of drivers;
- 9 (3) A current home utility bill, lease, or rental
10 agreement, or deed or title to real property in the
11 State, as designated by the examiner of drivers;
- 12 (4) A United States Department of Homeland Security Form
13 I-589, Application for Asylum and for Withholding of
14 Removal;
- 15 (5) An official school or college transcript that includes
16 the applicant's date of birth or a foreign school
17 record that is sealed and includes a photograph of the
18 applicant at the age the record was issued;
- 19 (6) An official school or college identification card that
20 includes the applicant's full name and a photograph of



- 1 the applicant at the time the identification was
2 issued;
- 3 (7) A United States Department of Homeland Security Form
4 I-20 or Form DS-2019;
- 5 (8) A United States Department of Homeland Security
6 Deferred Action for Childhood Arrival Approval Letter;
- 7 (9) A valid identification card for health benefits;
- 8 (10) A valid identification card for an assistance or
9 social services program;
- 10 (11) A current voter registration card issued by the State;
- 11 (12) A wage stub issued in the last six months;
- 12 (13) An income tax return filed in the last two years;
- 13 (14) A social security card;
- 14 (15) One of the following documents which, if in a language
15 other than English, shall be accompanied by a
16 certified translation or an affidavit of translation
17 into English:
- 18 (A) Marriage license or divorce certificate;
- 19 (B) Foreign federal electoral photo card issued on or
20 after January 1, 1991;
- 21 (C) Foreign student identification card; or



1 (D) Foreign driver's license;

2 (16) A prisoner identification card issued by the
3 department of public safety; or

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

6 (b) Except as otherwise provided in this subsection, every
7 application under this section shall be made upon the form and
8 in the manner required by section 286-111 and shall be
9 accompanied by the fee established for non-limited purpose
10 identification cards pursuant to section 286-111. The examiner
11 of drivers shall not:

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

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

18 (c) Every limited purpose identification card issued
19 pursuant to this section shall on its face and in a machine
20 readable zone bear the phrase, "Not acceptable for official
21 federal purposes and does not establish eligibility for



1 employment, voter registration, or public benefits", and be of a
2 unique design or color indication that clearly distinguishes the
3 limited purpose identification card from the State's fully
4 federally compliant identification cards. If the United States
5 Department of Homeland Security determines that any limited
6 purpose identification card issued pursuant to this section do
7 not satisfy the requirements of title 6 Code of Federal
8 Regulations section 37.71, adopted pursuant to section 202 of
9 the REAL ID Act of 2005, Public Law 109-13, the examiner of
10 drivers shall modify the limited purpose identification card
11 issued pursuant to this section only to the extent necessary to
12 satisfy the requirements of the federal law.

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

15 (e) A limited purpose identification card may be renewed
16 or replaced in accordance with section 286-306.

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

20 (g) A limited purpose identification card issued pursuant
21 to this section shall not be used to consider a person's



1 citizenship or immigration status as a basis for a criminal
2 investigation, arrest, or detention.

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

8 (i) An individual shall surrender any REAL ID compliant
9 identification card, driver's license, or instruction permit.

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

12 SECTION 3. Section 286-303, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§286-303 Application for identification card. (a)**
15 Application for the identification card shall be made in person
16 by any adult or minor. In the case of a minor under the age of
17 fourteen years, the application shall be made on the minor's
18 behalf by the parent, or by another individual in loco parentis
19 of the minor who can provide proof of guardianship. In the case
20 of an incompetent individual, the application shall be made by
21 the individual having the custody or control of or maintaining



1 the incompetent individual. A non-compliant identification card
2 shall be issued in accordance with section 286-301.5 for
3 applications not made in person.

4 (b) Application for renewal of an identification card
5 issued after November 1, 1998, for an individual eighty years of
6 age or older may be done by mailing in or electronically
7 submitting a completed application and fee, if there is no
8 change in name and citizenship status. The director shall adopt
9 rules to allow for renewal by mail or electronic methods for
10 individuals with physical or intellectual disabilities for whom
11 application in person presents a serious burden[-], or for any
12 individual who desires to renew a limited purpose identification
13 card. For an individual who has a letter from a licensed
14 primary care provider certifying that a severe disability causes
15 the individual to be homebound, the director shall adopt rules
16 allowing for application for renewal of an identification card
17 under this section by means other than in-person appearance. A
18 non-compliant identification card shall be issued in accordance
19 with section 286-301.5 for renewal applications not made in
20 person. A limited purpose identification card shall be issued
21 in accordance with section 286-A.



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

- 7 (1) Name and complete address, including the number and
8 street name, of the applicant's permanent residence;
- 9 (2) The applicant's occupation and any pertinent data
10 relating thereto;
- 11 (3) The applicant's citizenship status;
- 12 (4) The applicant's veteran status if applicable and
13 desired by the applicant;
- 14 (5) The applicant's date and place of birth;
- 15 (6) General description of the applicant, including the
16 applicant's gender designation, height, weight, hair
17 color, and eye color;
- 18 (7) The applicant's left and right index fingerprints or,
19 if clear impressions cannot be obtained, other
20 identifying imprints as specified by rules of the
21 director;



- 1 (8) The social security number of the applicant; and
2 (9) A digitized frontal photograph of the applicant's full
3 face.

4 Each applicant shall present documentary evidence as required by
5 the examiner of drivers of the applicant's age and identity, and
6 the applicant shall swear or affirm that all information given
7 is true and correct; provided that an applicant shall not be
8 required to provide documentation to prove the applicant's
9 gender designation other than the applicant's self-certification
10 of their chosen gender designation; provided further that
11 documentation that may incidentally show an applicant's birth
12 gender may be required if necessary to establish that the
13 applicant is legally entitled to an identification card.

14 For purposes of this subsection, "gender designation" shall
15 have the same meaning as in section 286-109(a).

16 (d) The application also shall state whether the applicant
17 has an advance health-care directive. If the applicant has an
18 advance health-care directive, the identification card shall
19 bear the designation "AHCD".



1 (e) An application for an identification card from the
2 examiner of drivers shall include the voter registration
3 application required under section 11-15.7.

4 (f) The examiner of drivers shall maintain a suitable,
5 indexed record of all applications.

6 (g) For the purpose of this section, "AHCD", which stands
7 for "advance health-care directive", means an individual
8 instruction in writing, a living will, or a durable power of
9 attorney for health care decisions.

10 (h) The director shall adopt rules in accordance with
11 chapter 91 that provide for standards of proof and for
12 exemptions from the requirement for any applicant who does not
13 submit proof, satisfactory to the director, of the applicant's
14 presence in the United States authorized by federal law."

15 SECTION 4. Section 286-306, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Every identification card issued under this part,
18 whether an original or a renewal, shall bear an expiration date
19 that shall be the date and month of the individual's birthday
20 eight years after the year of issuance; provided that if the
21 individual is a legal nonimmigrant, the certificate shall bear



1 an expiration date that is the same as the expiration date on
2 the individual's arrival-departure record, CBP Form I-94[-],
3 except for a limited purpose identification card. A cardholder
4 may renew the cardholder's identification card within six months
5 before the day on which it expires by filing an application in
6 accordance with section 286-303 and paying the prescribed fee
7 [†]established[†] by rules of the director."

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Filipino Caucus; Identification Cards; Limited Purpose;
Documentation

Description:

Authorizes the issuance of limited purpose identification cards
for certain residents. (SD1)

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not legislation or evidence of legislative intent.*

