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# 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) Every  
7 person who submits an application for an identification card  
8 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 in compliance with the REAL ID Act of 2005  
13 upon satisfactory proof to the examiner of drivers of the  
14 applicant's identity and residency in the State; provided that a  
15 person who has been issued a REAL ID compliant driver's license  
16 or identification card in any state shall not be issued a  
17 limited purpose identification card under this section. The  
18 examiner of drivers shall accept various types of documentation  
19 for the purpose of establishing the applicant's identity and  
20 residency in the State, which may be established by more than  
21 one document. Acceptable documentation includes:



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



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



1       (16) A prisoner identification card, certificate of  
2       discharge, order of parole, or printout prepared by  
3       the department of public safety with the person's  
4       photograph, name, and date of birth; or

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

7       (b) Except as otherwise provided in this subsection, every  
8       application under this section shall be made upon the form and  
9       in the manner required by section 286-111 and shall be  
10       accompanied by the fee established by the director pursuant to  
11       section 286-309. The examiner 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 does  
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 at  
10 the time the limited purpose identification card is issued to  
11 the examiner of drivers.

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

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

16 **"§286-303 Application for identification card. (a)**  
17 Application for the identification card shall be made in person  
18 by any adult or minor. In the case of a minor under the age of  
19 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



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. A non-compliant identification card  
4 shall be issued in accordance with section 286-301.5 for  
5 applications not made in person. A limited purpose  
6 identification card shall be issued in accordance with section  
7 286-A.

8 (b) Application for renewal of an identification card  
9 issued after November 1, 1998, for an individual eighty years of  
10 age or older may be done by mailing in or electronically  
11 submitting a completed application and fee, if there is no  
12 change in name and citizenship status. The director shall adopt  
13 rules to allow for renewal by mail or electronic methods for  
14 individuals with physical or intellectual disabilities for whom  
15 application in person presents a serious burden[-], or for any  
16 individual who desires to renew a limited purpose identification  
17 card. For an individual who has a letter from a licensed  
18 primary care provider certifying that a severe disability causes  
19 the individual to be homebound, the director shall adopt rules  
20 allowing for application for renewal of an identification card  
21 under this section by means other than in-person appearance. A



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

4 (c) Every application for an identification card or  
5 duplicate of an identification card shall be made on a form  
6 developed by the director and furnished by the examiner of  
7 drivers, signed by the applicant, and signed by the applicant's  
8 parent or guardian if the applicant is under eighteen years of  
9 age. The application 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 designation, height, weight, hair  
20 color, and eye color;



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

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

20           (d) The application also shall state whether the applicant  
21 has an advance health-care directive. If the applicant has an



1 advance health-care directive, the identification card shall  
2 bear the designation "AHCD".

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

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

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

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

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

19 "(a) Every identification card issued under this part,  
20 whether an original or a renewal, shall bear an expiration date  
21 that shall be the date and month of the individual's birthday



1 eight years after the year of issuance; provided that if the  
2 individual is a legal nonimmigrant, the certificate shall bear  
3 an expiration date that is the same as the expiration date on  
4 the individual's arrival-departure record, CBP Form I-94[-],  
5 except for a limited purpose identification card. A cardholder  
6 may renew the cardholder's identification card within six months  
7 before the day on which it expires by filing an application in  
8 accordance with section 286-303 and paying the prescribed fee  
9 [{}established[{}] by rules of the director."

10 SECTION 5. In codifying the new sections added by section  
11 2 of this Act, the revisor of statutes shall substitute  
12 appropriate section numbers for the letters used in designating  
13 the new sections in this Act.

14 SECTION 6. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on July 30, 2075.



**Report Title:**

Filipino Caucus; Identification Cards; Limited Purpose;  
Documentation

**Description:**

Authorizes the issuance of limited purpose identification cards  
for certain residents. Takes effect 7/30/2075. (SD2)

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

