
A BILL FOR AN ACT

RELATING TO CIVIL IDENTIFICATION.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 CIVIL IDENTIFICATION

6 § -1 Definitions. As used in this chapter, "examiner of
7 drivers" or "examiner" means the examiner of drivers of each
8 political subdivision of the State.

9 § -2 Authority of the examiner of drivers. The examiner
10 of drivers shall carry out this part.

11 § -3 Oaths and statements. The examiner of drivers and
12 each of the examiner's authorized subordinates may administer
13 oaths and require and take the oral or written statements under
14 oath of any person in connection with any information validly
15 required by the examiner or the examiner's subordinates under
16 this chapter.

17 § -4 Rules. For the purpose of carrying out this part
18 the examiner, subject to chapter 91, shall prescribe rules



1 having the force and effect of law, including rules assessing
2 reasonable fees for the services provided under this part. The
3 rules shall provide for a waiver of any fee in cases of extreme
4 hardship. Until rules establishing the fees are adopted, the
5 fee for each service provided under this part shall be \$15,
6 which fee may be waived in cases of extreme hardship and which
7 shall be reduced to \$10 for any person who is sixty-five years
8 old or older.

9 § -5 Powers and functions. The examiner of drivers
10 shall register and issue certificates of identification to all
11 persons in the state applying for the certificates in accordance
12 with the requirements of this chapter.

13 § -6 Registration and issuance of certificates; fee;
14 revolving fund. (a) Every person residing or present in the
15 state may be registered, and have issued to the person a
16 certificate of identification, under this chapter.

17 (b) Application for the registration shall be made in
18 person by any adult person or minor over the age of fourteen
19 years. In the case of a minor under the age of fourteen years,
20 the application shall be made on the minor's behalf by the
21 parent of the minor, or by another person in loco parentis of
22 such minor who can provide proof of guardianship. In the case



1 of an incompetent person, the application shall be made by the
2 person having the custody or control of or maintaining the
3 incompetent person.

4 (c) Application for renewal of a certificate of
5 identification issued after November 1, 1998, for a person
6 sixty-five years old or older may be done by mailing in a
7 completed application and fee, if there is no change in name and
8 citizenship. The examiner of drivers shall adopt rules to allow
9 for renewal by mail for persons with physical or mental
10 disabilities for whom application in person presents a serious
11 burden.

12 (d) There is established in the state treasury a revolving
13 fund to be known as the state identification revolving fund.
14 The fund shall consist of all fees assessed for the processing
15 and issuance of certificates of identification under this part.
16 The fund shall be administered by the director of finance for
17 the purposes of this chapter.

18 (e) The fund shall be held separate and apart from all
19 other moneys, funds, and accounts in the state treasury.
20 Interest and investment earnings credited to the assets of the
21 fund shall become a part of the fund. Any balance remaining in



1 the fund at the end of any fiscal year shall be carried forward
2 in the fund for the next fiscal year.

3 § -7 Information to be secured. (a) The examiner of
4 drivers shall require, collect, secure, make, and maintain a
5 record of the following items of information with respect to
6 each applicant for registration:

- 7 (1) The name of the person applying to be registered
8 (hereinafter called the "registrant" or "applicant"),
9 the street and number or address of the applicant's
10 place of permanent residence, and the applicant's
11 residence and business telephone numbers, if any;
- 12 (2) The applicant's occupation and any pertinent data
13 relating thereto;
- 14 (3) The applicant's racial extraction;
- 15 (4) The applicant's citizenship;
- 16 (5) The date and place of the applicant's birth;
- 17 (6) The applicant's personal description, including sex,
18 height, weight, hair, eyes, complexion, build, scars,
19 and marks;
- 20 (7) The applicant's right and left index fingerprints or,
21 if the applicant has no right index finger or left
22 index finger, other identifying imprint as specified



1 by rules of the examiner of drivers; provided that
2 this requirement shall not apply to minors until they
3 reach the age of three years;

4 (8) The name, relationship, and address of the nearest
5 relative or other person to be notified in case of
6 sickness, accident, death, emergency, or need of the
7 applicant, if such notification is desired;

8 (9) The social security number of the applicant; and

9 (10) A frontal photograph of the applicant's full face.

10 (b) The examiner of drivers, at the time of application,
11 shall ask whether the applicant has an advance health-care
12 directive. The examiner shall issue or renew an identification
13 certificate bearing the designation, "advance health-care
14 directive", a symbol, or abbreviation thereof, for each
15 applicant who has so indicated. "Advance health-care directive"
16 means an individual instruction in writing, a living will, or a
17 durable power of attorney for health care decisions.

18 § -8 Procedure. (a) All information required by
19 section -6 shall be secured by the examiner of drivers or the
20 subordinates of the examiner, as provided for by rules of each
21 examiner, and by personal interviews with the applicant for
22 registration or responsible members of the same household.



1 Every applicant and other person giving information on behalf of
2 any applicant under this chapter shall answer truthfully all
3 questions, furnish all information within the possession or
4 knowledge of the person which may be asked or requested by the
5 employee within the scope of the requirements of this chapter,
6 and submit to the examiner all information and supporting
7 documentation required by rules of the examiner.

8 (b) Special provisions may be made by rules of the
9 examiner of drivers:

10 (1) For the registration of inmates residing at or in
11 hospitals, correctional facilities, and other
12 institutions; and

13 (2) For the registration of other persons, whenever
14 special treatment is required so as to minimize
15 hardship or inconvenience attendant upon the
16 registration contemplated by this part.

17 (c) The examiner of drivers may require an applicant, or
18 any person giving information on behalf of an applicant, to
19 furnish original or certified copies of documents to establish
20 or corroborate the information required to establish identity
21 under this chapter and may, by rules, set forth what documents
22 will be required to support or corroborate certain information.



1 § -9 Identification certificates; form. The examiner of
2 drivers, after taking the fingerprints of each registrant as
3 provided in this chapter (except as otherwise provided in the
4 case of children under three years of age), and after securing
5 the information required by or pursuant to this chapter, shall
6 issue to each registrant a certificate of identification in such
7 form, and with such information, as the examiner deems necessary
8 and practicable.

9 § -10 Expiration date. Every certificate of
10 identification issued under this chapter, whether an original or
11 a renewal, shall bear an expiration date that shall be on the
12 person's birthday six years after the year of issuance, except
13 that every certificate issued on or after July 1, 2009, shall
14 bear an expiration date that shall be on the person's birthday
15 eight years after the date of issuance and except further that
16 if the person is a legal nonimmigrant, the certificate shall
17 bear an expiration date that is the same as the expiration date
18 on the person's United States Citizenship and Immigration
19 Services departure card (I-94).

20 § -11 Identification certificates not to be altered;
21 duties of holder; lost certificates. No person, except agents
22 of the examiner of drivers acting pursuant to the authority of



1 law, shall alter, deface, or destroy any certificate of
2 identification. Except as specifically authorized by this
3 section or the rules of the examiner, no registrant shall loan
4 or give the registrant's certificate of identification to any
5 other person, and no person shall use the certificate of
6 identification of any other person. Any registrant whose
7 certificate of identification is stolen or otherwise lost, or
8 altered, defaced, or destroyed, may at any time apply for a
9 duplicate certificate of identification in such manner as the
10 examiner may require, which duplicate shall be issued by the
11 examiner upon being satisfied as to such loss, alteration,
12 defacing, or destruction. In the case of an altered or defaced
13 certificate of identification, the certificate, if available,
14 shall be surrendered by the registrant and canceled by the
15 examiner. Any person finding or coming into possession of the
16 certificate of identification of any other person shall promptly
17 return or deliver the same to the owner thereof or to the
18 nearest office of the examiner who issued the certificate.

19 § -12 Correction or alteration of records and
20 certificates in cases of error or subsequent changes concerning
21 names, citizenship, description, etc. (a) If, after
22 registration, the name of any registrant is legally changed by



1 marriage, divorce, adoption, legitimation, order of the
2 lieutenant governor, or other legal means, or if there is a
3 change in the registrant's citizenship, the registrant or other
4 person in charge of the registrant (in the case of a minor or
5 incompetent person), within thirty days after the change of name
6 or citizenship, shall report the change and present the
7 registrant's certificate of identification to the examiner of
8 drivers who issued the certificate. The examiner, upon being
9 satisfied as to the change and receiving payment of the fee,
10 shall cancel the certificate and issue a new certificate bearing
11 the new name or citizenship of the registrant, making
12 appropriate notation of the facts upon the records of the
13 examiner.

14 (b) If any error has been made in any item of information
15 contained in the records of the examiner of drivers or the
16 certificate of identification concerning any registrant, the
17 examiner, of the examiner's own motion, or upon application by
18 the registrant, and upon receipt of satisfactory evidence that
19 an error has been committed, with the approval of the examiner
20 or the examiner's specially authorized representatives, may
21 correct the error and, in such case, shall make appropriate
22 changes or notations stating the error and the correct



1 information upon the records of the examiner and the certificate
2 of identification.

3 (c) In case any item of personal information originally
4 correct with respect to any registrant shall change after
5 registration, the change, if material, may be registered by the
6 examiner and the records and certificate of identification may
7 be altered to conform thereto, upon receipt by the examiner of
8 satisfactory evidence as to the change and the approval of the
9 examiner or the examiner's specially authorized representative.

10 § -13 Forms. The examiner of drivers may prepare,
11 prescribe, and furnish, in conformity with this chapter, forms
12 for questionnaires, notices, fingerprint cards or forms,
13 certificates of identification, instructions, and all other
14 forms necessary or proper for the prompt, efficient, and
15 adequate execution of the functions of the examiner set forth in
16 this chapter.

17 § -14 Custody and use of records; information
18 confidential. (a) All information and records acquired by the
19 examiner of drivers under this chapter shall be confidential.
20 All information and records shall be maintained in an
21 appropriate form and in an appropriate office in the custody and
22 under the control of the examiner. The information shall be



1 available only to persons authorized by the examiner, under such
2 restrictions as the examiner shall prescribe. The examiner may
3 dispose of any application or certificate of registration, or
4 information or record relating to such application or
5 certificate of registration, which does not include a social
6 security number, without regard to the provisions of chapter 94,
7 whenever, in the examiner's discretion, retention of such
8 information or record is no longer required or practicable.

9 (b) Neither the examiner of drivers nor any subordinate of
10 the examiner shall divulge any information concerning any
11 registrant acquired from the records of the examiner or acquired
12 in the performance of the examiner's or any of the examiner's
13 subordinate's duties under this chapter to any person not
14 authorized to receive the same pursuant to this chapter or
15 pursuant to the orders of the examiner made under subsection

16 (a). No person acquiring from the records any information
17 concerning any registrant shall divulge the information to any
18 person not so authorized to receive the same.

19 § -15 Violations; penalties. Any person who:

20 (1) Knowingly furnishes any false or untruthful
21 information or answer validly required under this
22 chapter;



1 (2) Violates or, without adequate excuse, fails to comply
2 with any requirement of this chapter or of any rule
3 issued pursuant thereto, which is legally applicable
4 to the person, and for which no other penalty is
5 specifically prescribed by this chapter; or

6 (3) Without adequate excuse, fails to perform any act
7 lawfully required to be performed by the person
8 pursuant to this chapter or such rules,
9 shall be fined not more than \$500, or imprisoned not more than
10 six months, or both.

11 § -16 Disposition of income. (a) All moneys received
12 by the examiner of drivers under this chapter shall be deposited
13 with the director of finance to the credit of the state
14 identification revolving fund.

15 (b) The moneys deposited into the state identification
16 revolving fund shall be transferred to the examiner of each
17 political subdivision of the State based on:

18 (1) The fee charged by each examiner for a certificate of
19 identification; and

20 (2) The number of certificates of identification issued by
21 each examiner."



H.B. NO. 2770

1 SECTION 2. Chapter 846, part II, Hawaii Revised Statutes,
2 is repealed.

3 SECTION 3. This Act shall take effect on January 1, 2012.

4

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be "C. Ige", written over a horizontal line.

JAN 26 2010



Report Title:

Civil Identification

Description:

Allows the examiner of drivers of each county to issue identification cards on behalf of the State.

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

