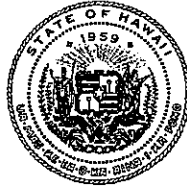


HB 134, HD 2

LINDA LINGLE  
GOVERNOR



BRENNON T. MORIOKA  
DIRECTOR

Deputy Directors  
MICHAEL FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI  
JIRO SUMADA

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 8, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 134, HD 2

COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS

We support this bill which will require all applicants for any type of driver's license to submit proof of United States citizenship or legal presence in the United States. Hawaii is one of three states without a legal presence law, which will be needed in order to implement the Real ID Act.

We recommend that the effective date be changed to July 1, 2010.

DEPARTMENT OF CUSTOMER SERVICES  
**CITY & COUNTY OF HONOLULU**  
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS  
ADMINISTRATION  
P.O. BOX 30300  
HONOLULU, HAWAII 96820-0300

MUFI HANNEMANN  
MAYOR



GAIL Y. HARAGUCHI  
DIRECTOR

DENNIS A. KAMIMURA  
LICENSING ADMINISTRATOR

March 5, 2010

The Honorable J. Kalani English, Chair  
and Committee Members  
Committee on Transportation, International  
and Intergovernmental Affairs  
The Senate  
State of Hawaii  
State Capitol, Room 205  
Honolulu, Hawaii 96813

Dear Chair English and Committee Members:

Subject: H.B. No. 134 HD2, Relating to Motor Vehicle Driver Licensing

The City and County of Honolulu is in favor of H.B. No. 134 HD2, which requires an applicant for a driver license and instruction permit to submit proof that the applicant is legally in the United States and provides that legal immigrant licenses expire no later than the date of the legal immigrant's authorized period of stay in the United States.

Hawaii is one of four states (Hawaii, Washington, New Mexico, and Illinois) that currently do not have a legal presence law as a prerequisite for obtaining a driver's license. I understand that the State of Washington have introduced legislation requiring legal presence and the states of New Mexico and Illinois are administratively, rather than statutorily, requiring legal presence. In order for the federal government to recognize Hawaii's driver license as proof of identity for boarding airlines and for entering federal buildings, Hawaii is required to adopt this legal presence requirement.

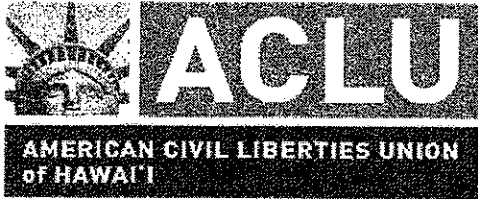
We recommend that H.B. No. 134 HD2 be amended by amending the effective date to July 1, 2010. Upon passage of this bill, we will be able to enter into an MOA with the U.S. Citizenship and Immigration Services to establish computer connectivity to the Systematic Alien Verification for Entitlements (SAVE) program. SAVE is the federal data base that all jurisdictions use to determine legal presence.

The City and County of Honolulu urges your favorable action on H.B. No. 134 HD2, as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura", is written over a horizontal line.

DENNIS A. KAMIMURA  
Licensing Administrator



Committee: Committee on Transportation, International and Intergovernmental Affairs  
Hearing Date/Time: Monday, March 8, 2010, 1:15 p.m.  
Place: Room 224  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 134, H.D. 2, Relating to Motor Vehicle Driver Licensing

Dear Chair English and Members of the Committee on Transportation, International and Intergovernmental Affairs:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 134, H.D. 2, which seeks to require applicants for driver licenses and instruction permits to submit proof that the applicant is legally in the United States.

H.B. 134, H.D. 2, seems designed to move Hawaii towards compliance with the Real ID legislation pushed through Congress in 2005. However, it is not clear whether Real ID will ever be implemented: to date, eleven states have opted out of Real ID, and not a single state has complied with all of the Real ID requirements. Janet Napolitano, Secretary of Homeland Security, has promised to review the Real ID Act in the face of widespread criticism from the states; measures like H.B. 134, H.D. 2, which could require substantial additional resources from the State, may not be necessary at all (if Real ID is repealed or substantially altered, as may soon happen).

Real ID aside, H.B. 134, H.D. 2, is problematic because it will require county employees at motor vehicle bureaus to make complicated decisions about an individual’s immigration status. These county employees would have to decide whether someone is a citizen or foreigner before issuing a driver’s license – forcing them to distinguish among citizens, permanent resident immigrants – often by making difficult and subtle judgments about complex immigration issues. That would inevitably cause discrimination against U.S. citizens who may “look” or “sound” “foreign” to a county bureaucrat. Such citizens would likely be interrogated more, have their documents scrutinized with suspicion, be treated as suspect, and be denied a license or targeted for further questioning or investigation. Those who did not satisfy the county employee might be denied a license altogether.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Hon. Sen. English, Chair, TIA Committee  
and Members Thereof  
March 8, 2010  
Page 2 of 2

non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
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