
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE DRIVER LICENSING.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to part VI to be appropriately
3 designated and to read as follows:

4 "§286- Licensing for undocumented immigrants. (a)
5 Notwithstanding section 286-104(7), the department shall issue a
6 driver's license under this section to a person who is unable to
7 submit satisfactory proof that the applicant's presence in the
8 United States is authorized under federal law, provided that the
9 person meets all other qualifications for licensure and provides
10 satisfactory proof to the examiner of drivers of the person's
11 identity and Hawaii residency.

12 (b) The examiner of drivers shall adopt rules to carry out
13 the purposes of this section, including:

14 (1) Procedures for identifying documents acceptable for
15 the purposes of proving identity and Hawaii residency;

16 (2) Procedures for verifying the authenticity of the
17 documents;



1 (3) Issuance of a temporary license pending verification
2 of any document's authenticity; and

3 (4) Hearings to appeal a denial of a license or temporary
4 license.

5 (c) The examiner of drivers shall accept various types of
6 documentation as proof of a person's identity and Hawaii
7 residency, including:

8 (1) A valid, unexpired consular identification document
9 issued by a consulate from the person's country of
10 citizenship, or a valid, unexpired passport from the
11 person's country of citizenship;

12 (2) An original birth certificate, or other proof of age,
13 as designated by the examiner of drivers;

14 (3) A home utility bill, lease or rental agreement, or
15 other proof of Hawaii residence, as designated by the
16 examiner of drivers;

17 (4) The following documents, which, if in a language other
18 than English, shall be accompanied by a certified
19 translation or an affidavit of translation into
20 English:

21 (A) A marriage license or divorce certificate;

22 (B) A foreign federal electoral photo card; or



- 1 (C) A foreign driver's license;
- 2 (5) A United States Department of Homeland Security Form
- 3 I-589, Application for Asylum and for Withholding of
- 4 Removal;
- 5 (6) An official school or college transcript that includes
- 6 the person's date of birth, or a foreign school record
- 7 that is sealed and includes a photograph of the
- 8 applicant at the age the record was issued;
- 9 (7) A United States Department of Homeland Security Form
- 10 I-20 or Form DS-2019;
- 11 (8) A deed or title to real property;
- 12 (9) A property tax bill or statement issued within the
- 13 previous twelve months; or
- 14 (10) An income tax return.
- 15 (d) A license issued pursuant to this section, including a
- 16 temporary license, shall include a distinguishing feature on the
- 17 front of the card and bear the following notice:
- 18 "This card is not acceptable for official federal purposes.
- 19 This license is issued only as a license to drive a motor
- 20 vehicle. It does not establish eligibility for employment,
- 21 voter registration, or public benefits."



1 (e) If the United States Department of Homeland Security
2 determines that a license issued pursuant to this section does
3 not satisfy the requirements of 6 C.F.R. section 37.71, the
4 examiner of drivers shall modify the license only to the extent
5 necessary to satisfy the federal requirements.

6 (f) The inability to obtain a driver's license pursuant to
7 this section shall not abrogate or diminish in any respect the
8 legal requirement of every driver in this State to obey the
9 motor vehicle laws of this State, including laws with respect to
10 licensing, motor vehicle registration, and financial
11 responsibility.

12 (g) It shall be a violation to discriminate against a
13 person simply because the person holds or presents a license
14 issued under this section.

15 (h) Information collected pursuant to this section shall
16 not be a public record and shall not be disclosed by the
17 examiner of drivers, except as provided by law.

18 (i) A license issued pursuant to this section shall not be
19 used to consider a person's citizenship or immigration status as
20 a basis for a criminal investigation, arrest, or detention.

21 (j) In addition to any other fees required by this
22 chapter, a person applying for an original license pursuant to



1 this section may be required to pay a fee to be determined by
 2 the examiner of drivers that is sufficient to offset the
 3 reasonable administrative costs of implementing the requirements
 4 of this section."

5 SECTION 2. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

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JAN 14 2014



H.B. NO. 1673

Report Title:

Motor Vehicle Driver Licensing; Undocumented Immigrants

Description:

Allows undocumented immigrants to obtain a motor vehicle driver's license.

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