
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. This Act shall be known and may be cited as the
2 "Drivers Safety Act".

3 SECTION 2. Currently, Hawaii driver's licenses are
4 unavailable to persons who fail to comply with sections 201 and
5 202 of the REAL ID Act of 2005, P. L. 109-13. Accordingly, a
6 person who does not submit satisfactory proof that his or her
7 presence in the United States is authorized by federal law
8 cannot operate a motor vehicle in the State of Hawaii. The REAL
9 ID Act, however, also specifically allows states to issue
10 driver's licenses that do not comply with the minimum federal
11 use requirements and standards of section 202 of the REAL ID Act
12 of 2005. This allowance is critical because restrictive
13 identification requirements for driver's licenses have created a
14 reality where undocumented immigrants, as well as a significant
15 number of lawfully present non-immigrants cannot carry out
16 necessary daily activities unless they operate motor vehicles
17 without a license and therefore, without insurance.



1 Undocumented immigrants represent at least 3.1 per cent of
2 Hawaii's population, or what amounts to forty thousand workers.
3 The Migration Policy Institute reports that one of the top three
4 difficulties cited by immigrants in Hawaii is the ability to
5 drive safely and legally to work or church, to run errands, and
6 to drop children off to school. Women in particular are
7 disproportionately impacted by this difficulty because they are
8 often the primary caretakers of children.

9 The legislature finds that the lack of access to driver's
10 licensure as a result of unduly restrictive identification
11 requirements poses a serious threat to the safety of the people
12 of the State. Allowing undocumented immigrants to obtain
13 driver's licenses will improve public safety because it will
14 enable them to be tested for driving skills and to buy
15 insurance. It is clear that Hawaii's current law needs to be
16 revised and updated to provide full access to proper
17 certification to all motorists in Hawaii. Since 2013, there has
18 been a significant increase in pro-immigrant efforts to expand
19 access to driver's licenses. Eleven states, the District of
20 Columbia, and Puerto Rico have enacted laws that grant access to
21 a driver's license or card, regardless of immigration status.



1 In 2014, Hawaii introduced similar legislation but failed to
2 enact the proposed measure.

3 It is not the legislative intent for this Act to endanger
4 the State's compliance with the REAL ID Act of 2005. Hawaii
5 will remain compliant with the REAL ID Act of 2005 and will not
6 lose federal grants or funding with the passage of this
7 legislation. The purpose of this Act, in view of these
8 findings, is to enable the issuance of a uniquely identified
9 limited purpose Hawaii driver's license, a limited purpose
10 provisional Hawaii driver's license, or a limited purpose Hawaii
11 instruction permit to applicants regardless of their immigration
12 status, provided they meet all other qualifications for such
13 licensure or permit and provide satisfactory proof of their
14 identity and Hawaii residency.

15 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
16 amended by adding a new part to be appropriately designated and
17 to read as follows:

18 "PART . LIMITED PURPOSE MOTOR VEHICLE LICENSING

19 §286-A limited purpose driver's license. (a) Except as
20 provided in section 286-104(1), (4), and (5), the department of
21 transportation shall issue a limited purpose driver's license, a



1 limited purpose provisional driver's license, or a limited
2 purpose instruction permit uniquely identified in compliance
3 with the REAL ID Act of 2005 to an applicant, regardless of
4 whether the applicant is able to submit satisfactory proof that
5 the applicant's presence in the United States is authorized
6 under federal law, if the applicant meets all other
7 qualifications and requirements for the license or permit and
8 provides satisfactory proof to the department of transportation
9 of the applicant's identity and Hawaii residency. The
10 department of transportation shall accept various types of
11 documentation for the purpose of establishing identity and
12 Hawaii residency, including but not limited to:

- 13 (1) A valid, unexpired consular identification document
14 issued by a consulate from the applicant's country of
15 citizenship, or a valid, unexpired passport from the
16 applicant's country of citizenship;
- 17 (2) An original birth certificate or other proof of age as
18 designated by the department of transportation;
- 19 (3) A home utility bill, lease or rental agreement, or
20 other proof of Hawaii residency, as designated by the
21 department of transportation;



- 1 (4) A United States Department of Homeland Security Form
- 2 I-589, application for asylum and for withholding of
- 3 removal;
- 4 (5) An official school or college transcript that includes
- 5 the applicant's date of birth, or a foreign school
- 6 record that is sealed and includes a photograph of the
- 7 applicant at the age the transcript was issued;
- 8 (6) An official school or college identification card that
- 9 includes the applicant's full name and a photograph of
- 10 the applicant at the time the identification card was
- 11 issued;
- 12 (7) A United States Department of Homeland Security Form
- 13 I-20 or Form DS-2019;
- 14 (8) A United States customs and immigration services
- 15 deferred action for childhood arrival approval letter;
- 16 (9) A deed or title to real property;
- 17 (10) An income tax return;
- 18 (11) A social security card; or
- 19 (12) The following documents, which if in a language other
- 20 than English, shall be accompanied by a certified



1 translation or an affidavit of translation into
2 English:

3 (A) A marriage license or divorce certificate;

4 (B) A foreign federal electoral photo card issued on
5 or after January 1, 1991; or

6 (C) A foreign driver's license.

7 (b) Notwithstanding any other law to the contrary, the
8 department of transportation shall not require any applicant
9 under this section to furnish information regarding an
10 applicant's ineligibility for a social security account number.
11 The department of transportation shall not disclose the identity
12 of an applicant who does not provide a social security card as a
13 form of identification under this section.

14 (c) A limited purpose driver's license shall expire on the
15 first birthday of the applicant occurring not less than eight
16 years after the date of the issuance of the limited purpose
17 driver's license, unless sooner revoked or suspended; provided
18 that:

19 (1) The limited purpose driver's license shall expire on
20 the first birthday of the applicant occurring not less
21 than four years after the date of issuance, if at the



1 time of issuance, the applicant is twenty-four years
2 of age or younger;

3 (2) The limited purpose driver's license shall expire on
4 the first birthday of the applicant occurring not less
5 than two years after the date of issuance if, at the
6 time of issuance, the applicant is seventy-two years
7 of age or older; and

8 (3) If the applicant is a legal immigrant, the limited
9 purpose driver's license shall expire no later than
10 the licensee's authorized period of stay in the United
11 States.

12 (d) If not suspended or revoked, a limited purpose
13 provisional driver's license shall expire on the date of the
14 limited purpose provisional licensee's nineteenth birthday.

15 (e) A limited purpose instruction permit shall expire one
16 year after the date of issuance.

17 **§286-B Identifying language.** (a) A limited purpose
18 driver's license, limited purpose provisional driver's license,
19 or limited purpose instruction permit issued pursuant to this
20 part shall:



1 (1) On its face bear the phrase: "This license or permit
2 is not acceptable for official federal purposes."; and

3 (2) On its reverse bear the phrase: "This license or
4 permit is issued only as a license or permit to drive
5 a motor vehicle. It does not establish eligibility
6 for employment, voter registration, or public
7 benefits."

8 (b) If the United States Department of Homeland Security
9 determines a limited purpose driver's license, limited purpose
10 provisional license, or limited purpose instruction permit
11 issued pursuant to this section does not satisfy the
12 requirements of 6 C.F.R. 37.71, adopted pursuant to paragraph
13 (11) of subdivision (d) of section 202 of the REAL ID Act of
14 2005, P.L. 109-13, the department of transportation shall modify
15 the license, provisional license, or instruction permit only to
16 the extent necessary to satisfy the requirements of that
17 section.

18 **§286-C Discrimination prohibited.** It shall be unlawful to
19 discriminate against a person because the person holds or
20 presents a limited purpose driver's license, limited purpose



1 provisional driver's license, or limited purpose instruction
2 permit issued pursuant to this part.

3 **§286-D Data collection; confidentiality.** Information
4 collected pursuant to this part is not a public record and shall
5 not be disclosed by the department of transportation, except as
6 required by law.

7 **§286-E Application; fee.** Every application for a limited
8 purpose driver's license, limited purpose provisional driver's
9 license, and limited purpose instruction permit shall be upon a
10 form furnished by the examiner of drivers and shall be verified
11 by the applicant before a person authorized to administer oaths.
12 The examiner of drivers and officers serving under the examiner
13 may administer the oaths without charge. Each application for a
14 limited purpose driver's license, limited purpose provisional
15 driver's license, and limited purpose instruction permit shall
16 be accompanied by a fee to be determined by each county council.

17 **§286-F Rulemaking.** The department of transportation shall
18 adopt rules pursuant to chapter 91 necessary to carry out the
19 purposes of this part."

20 SECTION 4. In codifying the new sections added by section
21 3 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 6. This Act shall take effect on September 1,
7 2015.

8

INTRODUCED BY:


Tony Brown

JAN 23 2015



H.B. NO. 688

Report Title:

Limited Purpose Driver's Licenses

Description:

Requires the Department of Transportation to issue limited purpose driver's licenses, limited purpose provisional driver's licenses, and limited purpose instruction permits to persons who meet the qualifications of licensure regardless of immigration status.

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

