

JAN 22 2016

A BILL FOR AN ACT

RELATING TO ENHANCED DRIVER'S LICENSES.

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

1 SECTION 1. The legislature finds that an enhanced driver's
2 license is a card which serves the dual purpose of a driver's
3 license and an identification card with limited passport
4 features. Enhanced driver's licenses are issued in some states
5 and provinces in Canada to people who are both citizens of the
6 country and a resident of the relevant region; provided that the
7 license is compliant with the Western Hemisphere Travel
8 Initiative, as well as the United States REAL ID Act of 2005
9 P.L.109-13 (REAL ID Act). The enhanced driver's license
10 includes a machine-readable radio-frequency identification and
11 barcode for automated identification of the card and its holder,
12 which allows officials to pull up the holder's biographical and
13 biometric data.

14 As of 2013, enhanced driver's licenses have been available
15 to United States citizens residing in the states of Michigan,
16 New York, Vermont, and Washington, and to Canadian citizens



1 residing in the provinces of British Columbia, Manitoba,
2 Ontario, and Quebec.

3 The enhanced driver's license connects to the card holder's
4 record in a secure database through a unique identifier, without
5 storing the data. The machine-readable radio-frequency
6 identification and barcode chip broadcasts the card holder's
7 identification to the receiving system that brings up the
8 information associated with the card holder.

9 The legislature further finds that enhanced driver's
10 licenses are REAL ID Act compliant, as they include:

- 11 (1) A photograph of the license holder's face;
- 12 (2) Physical security features designed to prevent
13 counterfeiting or duplication, including a hologram;
14 and
- 15 (3) Machine-readable bar codes that can include additional
16 data.

17 The legislature further finds that the United States
18 Customs and Border Control has worked very closely with the
19 individual states and Canadian provinces to develop a secure,
20 highly tamper resistant enhanced driver's license that is an
21 acceptable stand alone Western Hemisphere Travel Initiative



1 compliant document for entry into the United States at all land
2 and sea ports of entry. A state-issued enhanced driver's
3 license is available only to United States citizens legally
4 residing in certain states or Canadian citizens legally residing
5 in certain provinces. When an enhanced driver's license is
6 presented by a United States or Canadian citizen traveler at
7 land and sea ports of entry in countries that recognize the
8 enhanced driver's license, no other documentation, such as a
9 passport under certain circumstances, is required for purposes
10 of proving identity and citizenship.

11 According to the Department of Homeland Security's website,
12 no personally identifiable information is stored on the enhanced
13 driver's license's machine-readable radio-frequency
14 identification and barcode, nor can the information be
15 transmitted electronically by the license. The enhanced
16 driver's license uses a unique identification number that links
17 to information contained in a secure Department of Homeland
18 Security database. This number does not contain any personally
19 identifiable information.



1 A holder of the enhanced driver's license also receives
2 information on how to use, carry, and protect the license, and a
3 shielded sleeve that prevents anyone from reading the license.

4 The purpose of this Act is to authorize the examiner of
5 drivers in each county to issue an enhanced driver's license
6 when certain requirements are met.

7 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§286- Enhanced driver's license. (a) Beginning on
11 _____ , the examiner of drivers of each county may issue an
12 enhanced driver's license in lieu of a driver's license under
13 section 286-102; provided that the applicant meets the
14 requirements for a driver's license under section 286-108 and
15 furnishes additional information as required by this section. A
16 person who has been issued a driver's license under section
17 286-102 may apply for an enhanced driver's license at any time
18 prior to the expiration date of the previously issued driver's
19 license; provided that the enhanced driver's license shall bear
20 the same expiration date as the driver's license.



1 (b) An enhanced driver's license shall utilize encrypted
2 computer chips containing the information required by subsection
3 (d). The enhanced driver's license shall contain the same
4 information as furnished on a driver's license, including, at
5 minimum:

- 6 (1) A photograph of the license holder's face;
- 7 (2) Physical features designed to prevent counterfeiting
8 or duplication, including a hologram;
- 9 (3) A machine-readable bar code; and
- 10 (4) A radio frequency identification chip that allows
11 biographic and biometric data to be disclosed to
12 security personnel at checkpoints or border inspection
13 booths; provided that no personally identifiable
14 information shall be stored on the card's radio
15 frequency identification chip that could be
16 transmitted electronically by the card to personnel at
17 checkpoints or border inspection booths.

18 (c) An enhanced driver's license may be used for travel
19 purposes, as follows:

- 20 (1) At border crossings to countries that recognize it
21 when traveling by land, including by motor vehicle,

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1 rail, and sea, as an alternative to a passport;
2 provided that the license shall not be valid for
3 international air travel; or

4 (2) As otherwise provided by federal law.

5 (d) An applicant for an enhanced driver's license shall
6 provide the following:

7 (1) Proof of date of birth by presenting any one of the
8 following:

9 (A) Original or certified copy of United States or
10 United States territory birth certificate that
11 bears the raised or authorized seal of the
12 issuing jurisdiction or a protective equivalent;

13 (B) United States Department of State Consular Report
14 of Birth Abroad (FS-240, DS-1335, or FS-545);

15 (C) A valid, unexpired United States passport or
16 United States passport card;

17 (D) Certificate of naturalization (Form N-550,
18 N-570);

19 (E) Certificate of citizenship (N-560, N-561); or



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- 1 (F) Military photo identification card issued to
2 active, reserve, or retired military personnel
3 only;
- 4 (2) Proof of full legal name; provided that if the
5 applicant's name has changed, proof of each name
6 change. For purposes of this paragraph, acceptable
7 proof includes a certified copy of a marriage
8 certificate, divorce certificate, or a court-ordered
9 name change. This paragraph is satisfied by
10 presentation of any one of the following:
- 11 (A) Original or certified copy of United States or
12 United States territory birth certificate that
13 bears the raised or authorized seal of the
14 issuing jurisdiction or a protective equivalent;
- 15 (B) United States Department of State Consular Report
16 of Birth Abroad (FS-240, DS-1335, or FS-545);
- 17 (C) Valid, unexpired United States passport or United
18 States passport card;
- 19 (D) Certificate of naturalization (Form N-550,
20 N-570);
- 21 (E) Certificate of citizenship (N-560, N-561);



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- 1 (F) State of Hawaii income tax form for the taxable
- 2 year immediately preceding the application;
- 3 (G) Valid Hawaii driver's license, or civil
- 4 identification card issued under part XVI;
- 5 (H) Valid driver's license, valid identification
- 6 card, or valid permit issued by another state,
- 7 the District of Columbia, or any United States
- 8 territory;
- 9 (I) United States military identification card issued
- 10 to active, reserve, or retired military
- 11 personnel;
- 12 (J) United States military dependent identification
- 13 card; or
- 14 (K) Veterans universal access identification card;
- 15 (3) Proof of social security number;
- 16 (4) Proof of photographic identity which may be proven by
- 17 any of the following that bears a photograph of the
- 18 applicant:
- 19 (A) Valid State of Hawaii driver's license; or
- 20 (B) A passport issued by the United States;



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- 1 (5) Proof of United States citizenship by one of the
2 following:
- 3 (A) Original, certified copy of United States or
4 United States territory birth certificate that
5 bears the raised or authorized seal of the
6 issuing jurisdiction or a protective equivalent;
- 7 (B) United States Department of State Consular Report
8 of Birth Abroad (FS-240, DS-1350, or FS-545);
- 9 (C) Valid unexpired United States passport or United
10 States passport card;
- 11 (D) Certificate of naturalization (N-550, N-570); or
12 (E) Certificate of citizenship (N-560, N-561);
- 13 (6) Proof of Hawaii residency which shall be deemed to be
14 satisfied by holding a valid Hawaii driver's license;
15 and
- 16 (7) A fingerprint of the applicant.
- 17 (e) This section shall not apply to commercial driver's
18 licenses under part XIII.
- 19 (f) An enhanced driver's license shall be used and
20 accepted to the same extent as a Hawaii driver's license. All
21 laws of this State that apply to a Hawaii driver's license shall



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1 also apply to an enhanced driver's license, including matters
 2 relating to penalties, sentences, revocations, and suspensions,
 3 whether related or not to traffic violations."

4 SECTION 3. Section 286-2, Hawaii Revised Statutes, is
 5 amended by adding a new definition to be appropriately inserted
 6 and to read as follows:

7 "Enhanced driver's license" means a license to operate a
 8 motor vehicle issued under the laws of this State, the issuance
 9 of which meets the additional requirements of section 286- ."

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

12

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Report Title:

Enhanced Driver's License

Description:

Authorizes the examiner of drivers in each county to issue enhanced driver's licenses. Specifies requirements and procedures for obtaining the license.

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

