

JAN 23 2015

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. The legislature finds that Hawaii driver's
2 licenses are unavailable for persons who fail to comply with the
3 requirements of the federal REAL ID Act of 2005, Pub. L. No.
4 109-13. Accordingly, a person who does not submit satisfactory
5 proof of the person's presence in the United States, as
6 authorized by federal law, cannot obtain a driver's license in
7 the State of Hawaii. The REAL ID Act, however, specifically
8 allows states to issue driver's licenses that do not comply with
9 the minimum federal use requirements and standards of the REAL
10 ID Act. This is critical because restrictive identification
11 requirements for driver's licenses have created a situation
12 where a significant number of residents cannot carry out
13 necessary daily activities unless they operate motor vehicles
14 without a license, and therefore, without insurance.

15 Elderly residents, houseless individuals, undocumented
16 immigrants, lawfully present nonimmigrants, and women,
17 particularly survivors of gender-based violence, are burdened by



1 the heightened documentary requirements. The lack of access to
2 licensure hinders the ability to drive safely, legally, and
3 insured to work, to church, to run errands, to drop children off
4 to school and drive them to medical appointments. Women in
5 particular are disproportionately impacted by these requirements
6 because they are often the primary caretakers of children.

7 The legislature finds that the lack of access to driver's
8 licensure as a result of restrictive identification requirements
9 poses a serious threat to public safety. Allowing all residents
10 to obtain driver's licenses will improve public safety as it
11 will still require people to pass required driving tests and to
12 buy insurance.

13 It is not the intent of this Act to jeopardize the State's
14 compliance with the REAL ID Act of 2005 or the receipt of any
15 federal grants or funding.

16 The purpose of this Act is to create a limited purpose
17 driver's license, limited purpose provisional driver's license,
18 and limited purpose instruction permit for all age-eligible
19 drivers; provided that all other qualifications for such
20 licensure or permitting are met, including satisfactory proof of
21 identity and proof of Hawaii residency.



1 SECTION 2. 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- Limited purpose driver's license, limited purpose
5 provisional driver's license, and limited purpose instruction
6 permit; requirements; limitations. (a) There is established a
7 limited purpose driver's license, limited purpose provisional
8 driver's license, and limited purpose instruction permit which,
9 when issued, shall allow a person to operate a motor vehicle for
10 the limited purpose of driving:

- 11 (1) To and from work;
- 12 (2) To and from the person's place of worship;
- 13 (3) The person's children to and from school;
- 14 (4) To and from medical or dental appointments; and
- 15 (5) On other trips of a short duration to complete other
16 obligations or responsibilities that are necessary to
17 maintain the driver's, or the driver's children's,
18 health, safety, or welfare;

19 provided that an applicant for a limited purpose driver's
20 license, limited purpose provisional driver's license, and
21 limited purpose instruction permit shall meet all other relevant



1 requirements under this part except as otherwise provided for in
2 this section. An applicant may submit the following
3 documentation as proof of identity and Hawaii residency:

- 4 (1) A valid, unexpired consular identification document
5 issued by a consulate from the applicant's country of
6 citizenship;
- 7 (2) A valid, unexpired passport issued by the applicant's
8 country of citizenship;
- 9 (3) An original birth certificate, or other proof of age,
10 as designated by the director;
- 11 (4) A home utility bill, lease or rental agreement, or
12 other proof of Hawaii residency, as designated by the
13 director;
- 14 (5) A United States Department of Homeland Security Form
15 I-589, Application for Asylum and for Withholding of
16 Removal;
- 17 (6) An official school or college transcript that includes
18 the applicant's date of birth, or a foreign school
19 record that is sealed and includes a photograph of the
20 applicant at the age the record was issued;



- 1 (7) An official school or college identification card that
- 2 includes the applicant's full name and a photograph of
- 3 the applicant at the time the identification was
- 4 issued;
- 5 (8) A United States Department of Homeland Security Form
- 6 I-20, or Form DS-2019 (Certificate of Eligibility for
- 7 Exchange Visitor (J-1)) Status;
- 8 (9) A United States Customs and Immigration Services
- 9 Deferred Action for Childhood Arrival Approval Letter;
- 10 (10) A deed or title to real property;
- 11 (11) An identification card for health benefits;
- 12 (12) An identification card for a state public assistance
- 13 program;
- 14 (13) A voter registration card;
- 15 (14) A payroll statement indicating wages earned in this
- 16 State immediately preceding the time of the
- 17 application;
- 18 (15) The filing of a state resident income tax return;
- 19 (16) A social security card;
- 20 (17) The following documents, which, if in a language other
- 21 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 current foreign federal electoral photo card
5 issued on or after January 1, 1991;

6 (C) A current foreign student identification card; or

7 (D) A current driver's license issued by another
8 country.

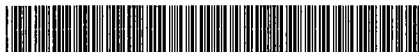
9 (b) Notwithstanding any other law, the director shall not
10 require any applicant for a limited purpose driver's license,
11 limited purpose provisional driver's license, or limited purpose
12 instruction permit to furnish information regarding the
13 applicant's ineligibility for a social security account number.

14 The director shall not disclose the identity of an applicant who
15 does not provide a social security card as a form of
16 identification for purposes of this section.

17 (c) A limited purpose driver's license shall expire on the
18 first birthday of the licensee occurring eight years after the
19 date of the issuance of the limited purpose driver's license,
20 unless sooner revoked or suspended; provided that:



- 1 (1) The limited purpose driver's license shall expire on
2 the first birthday of the licensee occurring four
3 years after the date of the issuance of the limited
4 purpose driver's license, if at the time of issuance
5 the applicant is twenty-four years of age or younger;
- 6 (2) The limited purpose driver's license shall expire on
7 the first birthday of the licensee occurring two years
8 after the date of the issuance of the limited purpose
9 driver's license, if at that time of the issuance the
10 applicant is seventy-two years of age or older;
- 11 (3) If the applicant is a legal immigrant, the license
12 shall expire no later than the licensee's authorized
13 period of stay in the United States;
- 14 (4) In the case of a provisional license, if not suspended
15 or revoked, a limited purpose provisional driver's
16 license shall expire on the date of the limited
17 purpose provisional licensee's nineteenth birthday;
18 and
- 19 (5) A limited purpose limited purpose instruction permit
20 shall expire one year after the date of issuance.



1 (d) A limited purpose driver's license, limited purpose
2 provisional driver's license, or limited purpose instruction
3 permit issued pursuant to this section shall:

4 (1) On its face bear the phrase, "Not acceptable for
5 federal identification purposes"; and

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

10 (e) The licensing authority may adopt rules pursuant to
11 chapter 91 to implement and enforce the requirements of this
12 section."

13 SECTION 3. Section 286-102, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) No person, except one ~~[exempted]~~:

16 (1) Exempted under section 286-105[~~one who~~];

17 (2) Who holds an instruction permit under section
18 286-110[~~one who~~];

19 (3) Who holds a limited purpose license, limited purpose
20 provisional license, limited purpose instruction
21 permit under section 286- ;



1 (4) Who holds a provisional license under section
2 286-102.6 [~~one who~~];
3 (5) Who holds a commercial driver's license issued under
4 section 286-239 [~~or one who~~]; or
5 (6) Who holds a commercial driver's license instruction
6 permit issued under section 286-236,
7 shall operate any category of motor vehicles listed in this
8 section without first being appropriately examined and duly
9 licensed as a qualified driver of that category of motor
10 vehicles."

11 SECTION 4. Section 286-110, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Any person aged fifteen years and six months or more
14 who, except for the person's lack of instruction in operating a
15 motor vehicle, would be qualified to obtain a driver's license
16 issued under this part may apply for a temporary instruction
17 permit or a limited purpose instruction permit at the office of
18 the examiner of drivers in the county in which the applicant
19 resides; provided that the applicant complies with section
20 286-102.5."



1 SECTION 5. Section 286-111, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Every application for an instruction permit,
5 provisional license, [~~or~~] driver's license, limited purpose
6 driver's license, limited purpose provisional driver's license,
7 or limited purpose instruction permit shall be made upon a form
8 furnished by the examiner of drivers and shall be verified by
9 the applicant before a person authorized to administer oaths.

10 The examiner of drivers and officers serving under the examiner
11 may administer the oaths without charge. Each application for
12 an instruction permit for a category (1), (2), (3), or (4)
13 license shall be accompanied by a fee to be determined by the
14 council of each county, and each application for a provisional
15 license or driver's license shall be accompanied by the fee,
16 unless the applicant has already paid the fee upon application
17 for an instruction permit in the same county, in which event no
18 fee shall be charged. An additional fee to be determined by the
19 council of each county shall be charged and collected upon the
20 issuance of a provisional license or driver's license. All of
21 the foregoing fees shall become county realizations."



1 2. By amending subsection (e) to read:

2 "(e) ~~[(f)]~~ Except as provided in section 286- , if the
3 applicant is not eligible to receive a social security number,
4 the applicant shall submit, in lieu of providing proof of social
5 security number pursuant to subsection (d):

6 (1) A United States Social Security Administration letter
7 stating that the applicant is ineligible to obtain a
8 social security number; and

9 (2) Either:

10 (A) A government-issued photo identification
11 document; or

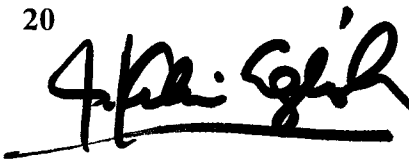
12 (B) Other identification documents as deemed
13 acceptable by the director."

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

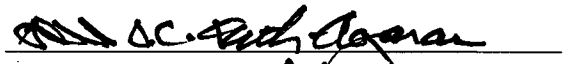
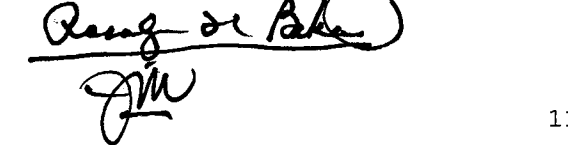
19 SECTION 8. This Act shall take effect on January 1, 2016.

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INTRODUCED BY:



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S.B. NO. 365

Report Title:

Motor Vehicle Licensing; Proof of Residency; Proof of Identity;
REAL ID Act of 2005

Description:

Creates a limited purpose driver's license, limited purpose provisional driver's license, and limited purpose instruction permit. Defines limited purpose. Provides that limited purpose driver's licenses, limited purpose provisional driver's licenses, and limited purpose instruction permits shall not be acceptable for federal identification purposes. Requires satisfactory proof of identity and Hawaii residency. Effective 1/1/2016.

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

