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# A BILL FOR AN ACT

RELATING TO GENDER IDENTIFICATION.

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

1           SECTION 1. The legislature finds that according to a 2016  
2 report by the Williams Institute, Hawai'i has the highest  
3 percentage of transgender-identifying individuals in the United  
4 States, and that overall transgender-identifying individuals  
5 experience high levels of discrimination in every area of life.  
6 Hawai'i has been at the forefront of policies offering protection  
7 to transgender people and should continue to take proactive  
8 measures. A 2013 University of Hawai'i report found that gender-  
9 stereotypical polices and norms continue to stigmatize and  
10 exclude transgender people in the State. According to the 2018  
11 sexual and gender minority health report by the department of  
12 health, the stigmatized minority status of transgender  
13 individuals is causing negative and disproportionate health  
14 outcomes, economic opportunities, and sociopolitical power.

15           Currently, driver's licenses are sex-marked. The  
16 legislature finds that sex markers on identification documents  
17 enable sex-identity and gender-identity discrimination and are



1 not rationally related to a legitimate policy goal. Mandatory  
2 binary classification does not accommodate the wide range of  
3 natural biological variations or gender expressions.

4 Additionally, it is overly burdensome for transgender  
5 individuals to obtain a new sex or gender on a driver's license.

6 The purpose of this Act is to allow transgender and gender-  
7 nonconforming individuals to avoid invasive questioning and  
8 discriminatory treatment by expanding gender options when  
9 applying for a driver's license and state identification card.

10 SECTION 2. Section 286-109, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) Upon payment of the required fee and upon  
13 demonstrating the ability to operate a certain category or  
14 categories of motor vehicles to the satisfaction of the examiner  
15 of drivers, an applicant for a driver's license shall be issued  
16 a single license of a design approved by the director of  
17 transportation upon which is made a notation of:

18 (1) The person's full legal name, date of birth, gender  
19 category, residence address, and license number;

20 [~~1~~] (2) The category or categories of motor vehicles the  
21 applicant may operate;



1       ~~[(2)]~~ (3) Any restrictive provisions to which the license  
2                   is subject;

3       ~~[(3)]~~ (4) Veteran status, if desired by the applicant;  
4                   provided that the notation shall be on the front of  
5                   the license and shall not include any designation  
6                   other than the term "veteran"; and

7       ~~[(4)]~~ (5) When the license is issued to a person under  
8                   twenty-one years of age, a statement, in clearly  
9                   legible print that shall contrast with the other  
10                  information appearing on the license, which indicates  
11                  the date on which the person will attain the age of  
12                  twenty-one years.

13   As used in this subsection~~[7]~~:

14               "Gender category" includes the options of female, male, or  
15   non-binary.

16               ~~["veteran"]~~ "Veteran" means any person who served in any of  
17   the uniformed services of the United States, including veterans  
18   of the Korean conflict and persons who served in the armed  
19   forces of the Republic of Korea, who fought under the command of  
20   the United Nations led by the United States, during the Korean



1 conflict and are currently United States citizens, and was  
2 discharged under conditions other than dishonorable."

3 SECTION 3. Section 286-111, Hawaii Revised Statutes, is  
4 amended by amending subsection (d) to read as follows:

5 "(d) Every application shall state the full name, date of  
6 birth, [~~sex~~] gender category, occupation, veteran status if  
7 applicable (including veterans of the Korean conflict and  
8 persons who served in the armed forces of the Republic of Korea,  
9 who fought under the command of the United Nations led by the  
10 United States, during the Korean conflict and are currently  
11 United States citizens) and desired by the applicant, social  
12 security number if the applicant is eligible for a social  
13 security number, the residence address, and business address, if  
14 any, of the applicant, shall briefly describe the applicant, and  
15 shall state whether the applicant has theretofore been licensed  
16 as a driver, and, if so, when and in what state or country, and  
17 whether any such license has ever been suspended or revoked, or  
18 whether an application has ever been refused, and if so, the  
19 date of and reason for the suspension, revocation, or refusal.

20 The department of transportation shall not require  
21 documentation for an applicant's selection of gender category or



1 an applicant's request for an amendment to a gender category  
2 other than the applicant's self-certification of their chosen  
3 gender category; provided that the department shall not be  
4 prohibited from requiring documentation that may incidentally  
5 show an applicant's birth gender category if such documentation  
6 is necessary to establish that the applicant is legally entitled  
7 to a license.

8 For purpose of this subsection, "gender category" shall  
9 have the same meaning as in section 286-109(a)."

10 SECTION 4. Section 286-303, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

12 "(c) Every application for an identification card or  
13 duplicate of an identification card shall be made on a form  
14 developed by the director and furnished by the examiner of  
15 drivers, signed by the applicant, and signed by the applicant's  
16 parent or guardian if the applicant is under eighteen years of  
17 age. The application shall contain the following information:

- 18 (1) Name and complete address, including the number and  
19 street name, of the applicant's permanent residence;
- 20 (2) The applicant's occupation and any pertinent data  
21 relating thereto;



- 1 (3) The applicant's citizenship status;
- 2 (4) The applicant's veteran status if applicable and  
3 desired by the applicant;
- 4 (5) The applicant's date and place of birth;
- 5 (6) General description of the applicant, including the  
6 applicant's gender[-] category, height, weight, hair  
7 color, and eye color;
- 8 (7) The applicant's left and right index fingerprints or,  
9 if clear impressions cannot be obtained, other  
10 identifying imprints as specified by rules of the  
11 director;
- 12 (8) The social security number of the applicant; and
- 13 (9) A digitized frontal photograph of the applicant's full  
14 face.

15 Each applicant shall present documentary evidence as required by  
16 the examiner of drivers of the applicant's age and identity, and  
17 the applicant shall swear or affirm that all information given  
18 is true and correct[-]; provided that an applicant shall not be  
19 required to provide documentation to prove the applicant's  
20 gender category other than the applicant's self-certification of  
21 their chosen gender category; provided further that



1 documentation that may incidentally show an applicant's birth  
2 gender may be required if necessary to establish that the  
3 applicant is legally entitled to an identification card.

4 For purposes of this subsection, "gender category" shall  
5 have the same meaning as in section 286-109(a)."

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Driver's License; State Identification Cards; Gender Categories

**Description:**

Requires a license or state identification card to include a person's full legal name, date of birth, gender category, residence address, and license or identification card number. Includes a gender category option of non-binary. (HB1165 HD1)

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