
A BILL FOR AN ACT

RELATING TO IDENTIFICATION.

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

1 SECTION 1. The legislature finds that biometric
2 identifiers are an efficient and accurate method of identifying
3 individuals. The legislature also finds that many low-income
4 and houseless residents of the State applying for duplicate
5 civil identification cards may lack the necessary documentary
6 evidence to receive the duplicate cards. The legislature
7 therefore believes that that allowing residents to use
8 biometrics as a form of documentary evidence of the resident's
9 identity will benefit all residents of the State, especially
10 low-income and houseless residents.

11 Accordingly, the purpose of this Act is to support and
12 assist low-income and houseless individuals by authorizing the
13 acceptance, and allowing for each applicant for a civil
14 identification card to consent or dissent to the use, of the
15 applicant's biometric identifiers as documentary evidence of the
16 applicant's identity for purposes of receiving a duplicate civil
17 identification card.



1 SECTION 2. Section 286-303, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Every application for an identification card or
4 duplicate of an identification card shall be made on a form
5 developed by the director and furnished by the examiner of
6 drivers, signed by the applicant, and signed by the applicant's
7 parent or guardian if the applicant is under eighteen years of
8 age. The application shall contain the following information:

9 (1) Name and complete address, including the number and
10 street name, of the applicant's permanent residence;

11 (2) The applicant's occupation and any pertinent data
12 relating thereto;

13 (3) The applicant's citizenship status;

14 (4) The applicant's veteran status if applicable and
15 desired by the applicant;

16 (5) The applicant's date and place of birth;

17 (6) General description of the applicant, including the
18 applicant's gender designation, height, weight, hair
19 color, and eye color;

20 (7) The applicant's left and right index fingerprints or,
21 if clear impressions cannot be obtained, other



- 1 identifying imprints as specified by rules of the
2 director;
- 3 (8) The social security number of the applicant; [~~and~~]
4 (9) A digitized frontal photograph of the applicant's full
5 face[-]; and
6 (10) The applicant's consent or dissent to the use of the
7 applicant's biometric identifiers as documentary
8 evidence of the applicant's identity for purposes of
9 receiving a duplicate civil identification card
10 pursuant to section 286-306.

11 Each applicant shall present documentary evidence as required by
12 the examiner of drivers of the applicant's age and identity, and
13 the applicant shall swear or affirm that all information given
14 is true and correct; provided that an applicant shall not be
15 required to provide documentation to prove the applicant's
16 gender designation other than the applicant's self-certification
17 of their chosen gender designation; provided further that
18 documentation that may incidentally show an applicant's birth
19 gender may be required if necessary to establish that the
20 applicant is legally entitled to an identification card.

21 For purposes of this subsection[~~,"gender~~]:



1 "Biometric identifiers" means data generated by automatic
2 measurements of an individual's biological characteristic.

3 "Biometric identifiers" includes fingerprints and retinal and
4 iris scans.

5 "Gender designation" shall have the same meaning as in
6 section 286-109(a)."

7 SECTION 3. Section 286-306, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) If an identification card is lost, destroyed, stolen,
10 or mutilated, the individual to whom the identification card was
11 issued may obtain a duplicate by paying the fee established by
12 rules of the director and by:

13 (1) Furnishing suitable proof of the loss, destruction, or
14 mutilation to the examiner; and

15 (2) Filing an application and presenting documentary
16 evidence under section 286-303[-]; provided that any
17 biometric identifiers, the use of which are consented
18 to pursuant to section 286-303(c)(10), shall be
19 sufficient documentary evidence of the individual's
20 identity for purposes of this paragraph.



1 Any individual who loses an identification card and, after
2 obtaining a duplicate, finds the original, shall immediately
3 surrender the original to the examiner."

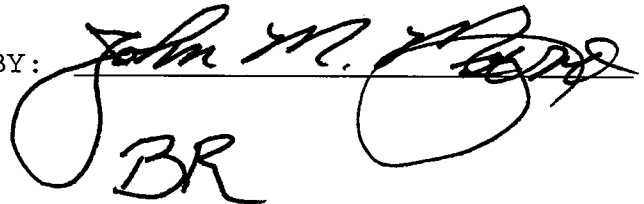
4 SECTION 4. The director of transportation shall adopt
5 rules pursuant to chapter 91, Hawaii Revised Statutes,
6 authorizing the use of biometric identifiers as a form of
7 documentary evidence of an individual's identity for purposes of
8 receiving a duplicate civil identification cards issued pursuant
9 section 286-306, Hawaii Revised Statutes, including the types of
10 biometric identifiers to be used, restrictions on the use of
11 biometric identifiers as a form of documentary evidence, and
12 methods for retrieving biometric identifiers from an individual.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

16

INTRODUCED BY:



JAN 20 2023



H.B. NO. 773

Report Title:

Director of Transportation; Civil Identification Cards;
Biometric Identifiers

Description:

Authorizes the acceptance, and allows applicants for civil identification cards to consent or dissent to the use, of biometric identifiers as documentary evidence of the applicant's identity for purposes of receiving a duplicate civil identification card. Requires the Director of Transportation to establish rules to regulate the use of biometric identifiers as a form of documentary evidence of an individual's identity.

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

