

## ACT 233

S.B. NO. 660

A Bill for an Act Relating to State Identification Cards.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to establish a non-compliant state identification card for individuals that are not able to provide an updated photograph and documentation in person as required by the REAL ID Act of 2005.

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

**“§286- Non-compliant identification cards.** (a) Every person who submits an application for an identification card that is unable to appear in person before the examiner of drivers to be photographed or present new source documents in person at least every sixteen years shall be issued a non-compliant identification card that is uniquely identified as not being in compliance with the REAL ID Act of 2005. The applicant shall authorize to the examiner of drivers a person who has power of attorney of the applicant who shall present satisfactory proof to the examiner of drivers of the applicant’s identity, date of birth, social security number, legal presence, primary care provider certificate, and residency in the State.

(b) Every application under this section shall be made upon the form and in the manner required by section 286-303 and shall be accompanied by the fee established for compliant identification cards pursuant to section 286-309.

(c) Every non-compliant identification card issued pursuant to this section shall on its face and in a machine readable zone bear the phrase, “Not acceptable for official federal purposes”, and be of a unique design or color indication that clearly distinguishes the card from the State’s compliant identification cards. If the United States Department of Homeland Security determines that non-compliant identification cards issued pursuant to this section do not satisfy the requirements of title 6 Code of Federal Regulations section 37.71, the examiner of drivers, under the direction of the department of transportation, shall modify the non-compliant identification cards issued pursuant to this section only to the extent necessary to satisfy the requirements of the federal law.

(d) Every non-compliant identification card shall expire in accordance with section 286-306.

(e) A non-compliant identification card may be renewed or replaced in accordance with section 286-306.

(f) The director shall adopt rules in accordance with chapter 91 to implement this section.”

SECTION 3. Section 286-303, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Application for the identification card shall be made in person by any adult or minor. The minimum age for minors to obtain an identification card shall be ten years of age. In the case of a minor under the age of fourteen years, the application shall be made on the minor’s behalf by the parent, or by another individual in loco parentis of the minor who can provide proof of guardianship. In the case of an incompetent individual, the application shall be made by the individual having the custody or control of or maintaining the incompetent individual. A non-compliant identification card shall be issued in accordance with section 286- for applications not made in person.

(b) Application for renewal of an identification card issued after November 1, 1998, for an individual eighty years of age or older may be done by mailing in or electronically submitting a completed application and fee, if there is no change in name and citizenship status. The director shall adopt rules to allow for renewal by mail or electronic methods for individuals with physical or intellectual disabilities for whom application in person presents a serious burden. For an individual who has a letter from a licensed primary care provider certifying that a severe disability causes the individual to be homebound, the director shall adopt rules allowing for application for renewal of an identification card under this section by means other than in-person appearance. A non-compliant identification card shall be issued in accordance with section 286- for renewal applications not made in person.”

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

SECTION 5. New statutory material is underscored.<sup>1</sup>

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

(Approved July 2, 2019.)

**Note**

1. Edited pursuant to HRS §23G-16.5.