

JAN 18 2019

A BILL FOR AN ACT

RELATING TO STATE IDENTIFICATION CARDS.

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

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

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

8 "§286- Non-compliant identification cards. (a) Every
9 person who submits an application for an identification card
10 that is unable to appear in-person before the examiner of
11 drivers to be photographed or present new source documents
12 in-person at least every sixteen years shall be issued a
13 non-compliant identification card that is uniquely identified as
14 not being in compliance with the REAL ID Act of 2005. The
15 applicant shall authorize to the examiner of drivers a person
16 who has power of attorney of the applicant who shall present
17 satisfactory proof to the examiner of drivers of the applicant's



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1 identity, date of birth, social security number, legal presence,
2 primary care provider certificate, and residency in the State.

3 (b) Except as otherwise provided in this subsection, every
4 application under this section shall be made upon the form and
5 in the manner required by section 286-303 and shall be
6 accompanied by the fee established for compliant identification
7 cards pursuant to section 286-309.

8 (c) Every non-compliant identification card issued
9 pursuant to this section shall on its face and in a machine
10 readable zone bear the phrase, "Not acceptable for official
11 federal purposes". It shall be of a unique design or color
12 indication that clearly distinguishes them from the State's
13 compliant identification cards. If the United States Department
14 of Homeland Security determines that non-compliant
15 identification cards issued pursuant to this section do not
16 satisfy the requirements of title 6 Code of Federal Regulations
17 section 37.71, the examiner of drivers, under the direction of
18 the department, shall modify the non-compliant identification
19 cards issued pursuant to this section only to the extent
20 necessary to satisfy the requirements of the federal law.



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

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

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

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

9 "(a) Application for the identification card shall be made
10 in person by any adult or minor. The minimum age for minors to
11 obtain an identification card shall be ten years of age. In the
12 case of a minor under the age of fourteen years, the application
13 shall be made on the minor's behalf by the parent, or by another
14 individual in loco parentis of the minor who can provide proof
15 of guardianship. In the case of an incompetent individual, the
16 application shall be made by the individual having the custody
17 or control of or maintaining the incompetent individual. A
18 non-compliant identification card in accordance with section
19 286- shall be issued for a non-in-person application.

20 (b) Application for renewal of an identification card
21 issued after November 1, 1998, for an individual eighty years of



1 age or older may be done by mailing in or electronically
 2 submitting a completed application and fee, if there is no
 3 change in name and citizenship status. The director shall adopt
 4 rules to allow for renewal by mail or electronic methods for
 5 individuals with physical or intellectual disabilities for whom
 6 application in person presents a serious burden. For an
 7 individual who has a letter from a licensed primary care
 8 provider certifying that a severe disability causes the
 9 individual to be homebound, the director shall adopt rules
 10 allowing for application for renewal of an identification card
 11 under this section by means other than in-person appearance. A
 12 non-compliant identification card in accordance with section
 13 286- shall be issued for a non-in-person renewal application."

14 SECTION 4. 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 5. New statutory material is underscored.

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

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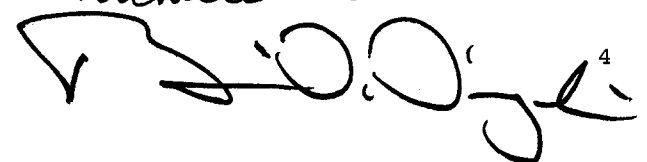


INTRODUCED BY:



Travis J. Anny

Yue Chen
Nichelle Sidani




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A handwritten signature in black ink, appearing to be 'DK' followed by a stylized flourish.

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Report Title:

State Identification Cards; REAL ID Act of 2005; Non-compliant Identification Card

Description:

Creates a non-compliant 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.

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

