Rules Adopting Title 19
Hawaii Administrative Rules

September 25, 2015

1. Chapter 149 of Title 19, Hawaii Administrative Rules, entitled "State Civil Identification" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 149

STATE CIVIL IDENTIFICATION

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Historical note: Chapter 19-149 is based substantially upon chapter 5-22. [Eff 2/9/2006; am and comp 10/22/2012, R]

§19-149-1 Purpose. The purpose of this chapter is to outline the application procedures for issuance of a state civil identification card. [Eff 3/23/14; comp] (Auth: HRS §286-303) (Imp: HRS §286 Part XVI)

§19-149-2 Definitions. As used in this chapter, unless a different meaning clearly appears in context:

"AAMVA" means American Association of Motor Vehicle Administrators.

"Applicant" means a person who is attempting to obtain a state civil identification card, renewal, or duplicate.

"Authenticate" means to establish that a document is genuine or that the account is true.

"Covered employee" means department of motor vehicles employees or contractors who are involved in the manufacture or production of state civil identification cards, or who have the ability to affect the identity information that appears on the driver's license.

"Director" means the state director of transportation or delegate.

"DHS" means the Department of Homeland Security.

"Domicile" means a permanent place of residence which remains the same when a person lives elsewhere temporarily.

"Duplicate card" means an identification card issued subsequent to the original document that bears the same expiration date as the original document but may contain updated information and that is issued at the request of the holder when the original is lost, stolen, damaged or contains an error or out-of-date information.

"Examiner of drivers" means the person or persons appointed under section 286-101, Hawaii Revised Statutes.

"Lawful status" means a citizen or national of the United States; or an alien: lawfully admitted for permanent or temporary residence in the United States; with conditional permanent residence status in the United States; who has an approved application for asylum in the United States or has entered into the United States in refugee status; who has a valid non-immigrant status in the United States; who has pending application for asylum in the United States; who has a pending or approved application for temporary protected status in the United States; who has approved deferred action status; or who has a pending application for lawful permanent residence or conditional permanent resident status.

"Principal address" means the address certified by an authorized person for a homeless applicant in accordance with Section 286-304(d), Hawaii Revised Statutes, and used in lieu of the homeless applicant's principal residence address.

"Principal residence **address**" means the location where a person currently resides even if the residence location is temporary.

"Reasonable cause" means the belief, which is fair, proper, just, moderate and suitable under the circumstances.

"SAVE" means the DHS systematic alien verification for entitlements system, or such successor or alternate verification system at the Secretary's discretion.

"Source document" means original or certified copy (where applicable) of a document presented by an

applicant as required by these rules to apply for a state civil identification card.

"State" means the State of Hawaii.

"Temporary lawful status" means a person who has a valid nonimmigrant status in the United States, has a pending application for asylum in the United States; has a pending or approved application for temporary protected status in the United States, has approved deferred action status, or has a pending application for lawful permanent residence or conditional permanent resident status.

"USCIS" means United States Citizenship and Immigration Service.

"Verify" means procedures to ensure that a source document provided is genuine, authentic, and valid. [Eff 3/23/14; am and comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-303, 286-304)

§19-149-3 Required information on application and supporting documents. (a) Each applicant for a state civil identification card under this chapter shall make application in person and provide the following required information and documents:

(1) The name, date of birth, sex, social security number or other information as stated in 19-149-3(a)(2)(C)(ii), mailing address, lawful status, and the principal residence address **or principal address if the applicant is homeless** if different from the mailing address.

(2) Supporting documents to establish the following must be presented at the time of application. All of the documents shall be originals or certified copies where an original is not expressly required. Whenever required, documents will be verified, except that verification of citizenship status will be done only for United States citizens; verified citizenship status will be in the card holder's record and on the person's state civil identification card.

(A) Identity: To establish identity the applicant must present at least one of the source documents listed in (i) - [~~(viii)~~] **(ix)** below:

(i) Valid, unexpired United States passport or United States passport card;

(ii) Certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;

(iii) Consular report of birth abroad issued by the United States Department of State, Form FS-240, DS-1350 or FS-545;

(iv) Valid, unexpired permanent resident card (Form I-551) issued by the Department of Homeland Security or United States Immigration and Naturalization Service;

(v) Unexpired employment authorization document issued by Department of Homeland Security, Form I-766 or Form I-688B;

(vi) Unexpired foreign passport with the following: a valid, unexpired United States visa affixed and an approved I-94 form documenting the applicant's most recent admittance into the United States or a Department of Homeland Security admittance stamp on the passport;

(vii) Certificate of naturalization issued by Department of Homeland Security, Form N-550 or Form N-570;

(viii) Certificate of citizenship, Form N-560 or Form N-561, issued by Department of Homeland Security;

(ix) Valid, unexpired U.S. Jurisdiction-

issued driver license, identification card, or photo learner's permit;

[~~(ix)~~] **(x)** Applicants who established a name other than the name that appears on a source document (marriage, adoption, court order, or other mechanism permitted by state law or administrative rule) must provide evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as determined by the State; or

[~~(x)~~] **(xi)** Persons desiring alteration of their identification card based on a change of gender must submit a completed gender designation form provided by the examiner of drivers and pay the duplicate card fee;

[~~(xi)~~] **(xii)** Additional documentation may be required if the documentation provided is questionable.

(B) Date of birth: To establish date of birth, the applicant must present at least one document included in clauses (i) through [~~(viii)~~] **(ix)** of subparagraph (A) of this paragraph.

(C) Social security number: To establish the social security number, the applicant must present:

(i) A Social Security Administration account number card; or

(ii) A letter of non-eligibility issued by the Social Security Administration if the applicant is not entitled to receive a social security number. The examiner of drivers may issue a pseudo-number in lieu of the social security number, provided the applicant is

not entitled to receive a social security number. For purposes of this section, a pseudo-unique number shall be computer generated and begin with the letters "NSS" followed by six numerical digits. NSS numbers issued shall be unique.

(D) For only those applicants claiming United States citizenship: Any document listed above in (2)(A)(i), (ii), (iii),(vii) and (viii) may be used to document United States citizenship.

(b) If an applicant for a state civil identification card already has a driver's license or permit and the information provided in the identification card application does not match the driver license record, before a state civil identification card can be issued the applicant must first:

(1) Submit an application for a duplicate license or permit so the driver license record will match the state civil identification record; and

(2) Pay the duplicate license or permit fee.

[Eff 3/23/14; am and comp] (Auth: HRS §§286-303, 286-304) (Imp: §§286-303, 286-304, 286-308)

§19-149-3.1 <u>Appearance of the state identification card.</u> The information displayed on the state identification card shall meet or exceed the driver license and identification card design standards set by the American Association of Motor Vehicle Administrators. These standards are maintained to promote consistency throughout the United States. In addition, the following information shall be displayed on the State ID card as applicable:

(1) An advance health care directive designator;

(2) Name and relation of emergency contact;

(3) Address and telephone number of emergency

contact. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: §§286-303, 286-304, 286-305, 286-308)

§19-149-4 Resources for acceptability of documents. The examiner of drivers may refer to the following sources of information to determine acceptance:

(1) 6 CFR, Part 37 Real ID Act, Final Rule; Subpart B, section 37.11; section 37.13;
(2) American Association of Motor Vehicle Administrators United States Resources List of Acceptable Documents;
(3) American Association of Motor Vehicle Administrators Verification Matrix; and
(4) Other sources and references as deemed appropriate by the examiner of drivers. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-303, 286-308)

§19-149-5 Documentary evidence of lawful status in the United States. The applicant is required to present valid documentary evidence that the applicant:

(1) Is a citizen or national of the United States;
(2) Is an alien lawfully admitted for permanent residence in the United States;
(3) Has conditional permanent resident status in the United States;
(4) Has an approved application for asylum in the United States or has entered into the United States in refugee status;
(5) Is an alien lawfully admitted for temporary residence in the United States;
(6) Has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
(7) Has a pending application for asylum in the United States;

(8) Has a pending or approved application for temporary protected status in the United States;
(9) Has approved deferred action status; or
(10) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status in the United States. [Eff 3/23/14; comp] (Auth: §§286-303, 286-304) (Imp: §§286-304, 286-308)

§19-149-6 Evidence of lawful status. The examiner of drivers shall verify that the submitted documents for proof of lawful status are authenticated through electronic or other means, including verification through the systematic alien verification for entitlements system. The examiner of drivers may accept any one of the following primary documents as proof of lawful status:

(1) Valid, unexpired United States passport or United States passport card;
(2) Certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;
(3) Consular report of birth abroad Form FS-240, DS-1350 or FS-545 issued by the United States Department of State;
(4) Valid, unexpired permanent resident card (Form I-551) issued by Department of Homeland Security or United States Immigration and Naturalization Service;
(5) Certificate of naturalization Form N-550 or Form N-570 issued by Department of Homeland Security;
(6) Certificate of citizenship, Form N-560 or Form N-561, issued by Department of Homeland Security; or
(7) Documentation issued by Department of Homeland Security or other federal agencies

demonstrating lawful status as determined by the United States Citizenship and Immigration Service. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-303, 286-308)

§19-149-7 Principal residence address. The state civil identification card shall include the applicant's principal residence address **in the State of Hawaii**, which can be documented with any two of the following that contains the applicant's principal residence address:

(1) A valid driver's license;
(2) A vehicle registration or title;
(3) Voter registration card or other mail addressed to the applicant from a government or medical entity **that is not more than two months old**;
(4) Utility bill **that is not more than two months old** with applicant's name and address;
(5) Checking or savings account statement not more than two months old;
(6) Payroll check or check stub with applicant's name and address issued by an employer within [~~two~~] **six** months of the application date;
(7) [~~Mortgage~~] **Current mortgage** account or proof of home ownership;
(8) Residential rental or time share contract for six months or more;
(9) **United States income tax return,** W-2 form or income tax form 1099 from the previous year;
(10) For an individual claiming that the individual had no income to file a tax return and is receiving state welfare assistance, a document from the Hawaii state department of human services dated not more than ninety days prior to the application for a state civil identification or driver's license card certifying that the individual

is receiving state assistance;

(11) Receipt for personal property taxes paid;

(12) Medical card issued by a health insurance agency, provided the principal residence address is printed on the card;

(13) Documentation dated not more than ninety days prior to making application that the individual is receiving State of Hawaii public assistance;

(14) Current property tax assessment form;

(15) Department of taxation form A-6, application for tax clearance;

(16) Homeless applicants may use the address of their current shelter agency, or if not staying in a shelter, may use the general delivery of the post office nearest where they spend most of their time. **If the homeless applicant is not able to provide a principal residence address, the homeless applicant may submit a principal address in accordance with Section 286-304(d), HRS, and the State Civil Identification Card shall include the applicant's principal address**;

(17) Applicants documenting enrollment in a State or Federal address confidentiality program which allows an applicant to obtain and use alternative addresses may use an alternative address on the card but must provide the applicant's permanent address for file purposes;

(18) In areas where a number and street name have not been assigned for United States mail delivery, an address convention used by the United States Postal Service is acceptable;

(19) Affidavit indicating that the applicant currently resides with the affiant, provided the affiant's address can be verified and the affidavit is notarized within two months of the application date; or

(20) Other documents the examiner of drivers accepts as proof of principal residence in the State of Hawaii.

(21) Hawaii income tax return or HW-2 form filed in the last two years.

(22) A valid identification card for health benefits or an assistance or social services program. [Eff 3/23/14; am and comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-303, 286-304)

§19-149-8 Exceptions process; persons unable to present all necessary documents. (a) In exceptional circumstances where a document is required under sections 19-149-3, 19-149-5 and 19-149-6 but is not available, the examiner of drivers may accept alternative documents pursuant to section 19-149-4 as proof of an applicant's identity, or lawful status.

(b) Covered employees designated by the examiner of drivers shall:

(1) Obtain supervisor approval to accept an alternate document;

(2) Obtain supervisor approval before processing applicants with documents showing inconsistent names;

(3) Require the applicant to provide at least two government issued documents showing same name;

(4) Use name on immigration documents; and

(5) Record all names on state civil identification record.

(c) Exceptions for documents to demonstrate lawful status.

(1) An applicant who is unable to present the documents required to determine lawfulstatus pursuant to section 19-149-6 of this chapter shall provide at least one of the documents listed below to the examiner of drivers to determine legal entry into the United States:

(A) Unexpired employment authorization document Form I-766 or Form I-688B issued by Department of Homeland Security;

(B) Unexpired foreign passport with one of the following: a valid, unexpired United States visa affixed or an approved I-94 form documenting the applicant's most recent admittance into the United States, or a Department of Homeland Security admission stamp;

(C) Other valid, unexpired United States Immigration and Naturalization Service document not listed in section 19-149-6; or

(D) Other documents deemed appropriate by the examiner of drivers for proof of legal entry.

(2) The examiner of drivers shall verify that the submitted alternate documents for proof of lawful status are authenticated through electronic or other means, including verification through the Department of Homeland Security systematic alien verification for entitlements system.

(3) Notwithstanding all other eligibility requirements for state civil identification, if the examiner of drivers can determine the length of lawful stay, the applicant's card shall expire on the same date as the expiration date of lawful status.

(4) Notwithstanding all other eligibility requirements for state civil identification, if the examiner of drivers cannot verify the length of lawful status, the validity period of the applicant's card shall not exceed one year from the date of entry into the United States.

(d) Exception process recorded.

(1) Alternate documents accepted during an exception process shall be verified for authenticity and noted in applicant's record.

(2) All copies or images of the alternate documents accepted shall be retained and attached to applicant's record.

(e) Exceptions for document to show proof of social security number. If a social security account card is not available, one of the following documents bearing the applicant's social security number verified by the examiner of drivers through social security on-line verification may be accepted:

(1) A W-2 form, from previous year;

(2) A SSA-1099 form, from previous year; or

(3) A non-Social Security Administration 1099 form, from previous year.

(f) Exceptions for documents to show proof of legal name and date of birth.

(1) An applicant who is unable to present the documents required to establish identity or date of birth pursuant to section 19-149-3(a)(2)(A) and (B) of this chapter shall provide at least one of the following documents to the examiner of drivers to determine the applicant's legal name and date of birth:

(A) Valid United States territorial driver's license with photo issue by a Real ID compliant jurisdiction;

(B) United States Immigration and Naturalization document or card not listed in section 19-149-3;

(C) Alien registration refugee card;

(D) Valid military identification card or United States Department of Defense common access card;

(E) Current or expired State of Hawaii identification card issued after January 1, 2013; or (F) Other documents deemed appropriate by the examiner of drivers for proof of name and date of birth;

(2) The examiner of drivers shall verify that the alternate documents presented to establish legal name and date of birth are authenticated through electronic or other means. [Eff 3/23/14; comp] (Auth: §§286-303, 286-304) (Imp. §§286-

303, 286-304)

§19-149-9 Verification of acceptable documents. (a) The examiner of drivers shall authenticate all documents submitted as evidence of lawful status or temporary lawful status under this chapter electronically or by other means deemed appropriate. Authentication sources may include but are not limited to the following:

(1) Systematic alien verification for entitlements system.

(2) Other means whether electronic or manual.

(3) If two Department of Homeland Security issued documents listed under section 19-149-6 are submitted for evidence of lawful status, and a systematic alien verification for entitlements system verification of one document confirms lawful status or temporary lawful status, the systematic alien verification for entitlements system verification need not be repeated for the second lawful status document presented.

(b) The examiner of drivers shall verify all documents submitted as evidence of the applicant's social security number under section 19-149-3(a)(2)(C) electronically or by other means with the SSA. Verification sources may include but are not limited to the following:

(1) Social security on-line verification system; and

(2) Other means whether electronic or manual.

[Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: §§286-303, 286-304)

§19-149-10 Verification of lawful status - nonrefundable fees. (a) The examiner of drivers shall charge a nonrefundable [~~flat~~] one dollar fee to applicants who require a verification of lawful status.

(b) The fees collected shall become state

303, 286-304)

§19-149-9 Verification of acceptable documents. (a) The examiner of drivers shall authenticate all documents submitted as evidence of lawful status or temporary lawful status under this chapter electronically or by other means deemed appropriate. Authentication sources may include but are not limited to the following:

(1) Systematic alien verification for entitlements system.

(2) Other means whether electronic or manual.

(3) If two Department of Homeland Security issued documents listed under section 19-149-6 are submitted for evidence of lawful status, and a systematic alien verification for entitlements system verification of one document confirms lawful status or temporary lawful status, the systematic alien verification for entitlements system verification need not be repeated for the second lawful status document presented.

(b) The examiner of drivers shall verify all documents submitted as evidence of the applicant's social security number under section 19-149-3(a)(2)(C) electronically or by other means with the SSA. Verification sources may include but are not limited to the following:

(1) Social security on-line verification system; and

(2) Other means whether electronic or manual.

[Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: §§286-303, 286-304)

§19-149-10 Verification of lawful status - nonrefundable fees. (a) The examiner of drivers shall charge a nonrefundable [~~flat~~] one dollar fee to applicants who require a verification of lawful status.

(b) The fees collected shall become state

realizations and be deposited into the state highway fund. [Eff 3/23/14; am and comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-309, 286-312)

§19-149-11 Fingerprints. (a) The applicant's right thumbprint and right and left index fingerprints shall be obtained; if a clear impression of the right thumbprint is not possible, the left thumbprint shall be obtained; if one or both of the index fingerprints cannot be obtained, then alternate fingerprints shall be obtained in the following successive order until at least two clear fingerprints are obtained, preferably one from each hand:

(1) Middle finger;

(2) Ring finger;

(3) Little finger.

(b) When the applicant's fingerprints must be verified against a stored electronic record, the examiner of drivers may select additional or both thumbs and all fingers to be fingerprinted in order to aid in the verification of identity against the stored electronic records. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-301, 286-303)

§19-149-12 Temporary state civil identification card. (a) The examiner of drivers may issue a temporary state civil identification card under the following conditions:

(1) Whenever the person is applying for a new or renewed state civil identification card.

(A) The examiner of drivers may obtain from and provide to another state, electronic digital images and other personal information through a digital image access and exchange program (DIAEP) system regarding the holder of a civil identification card in a reasonable attempt to identify

identification card applicants and to deter identification card fraud and identity theft as allowed by the Federal Driver Privacy Protection Act (DPPA) to the extent that the issuing authorities are sharing and exchanging such information to carry out their governmental functions. Any exchange of information shall be done in accordance with Part VIII of Chapter 286 of the Hawaii Revised Statutes, and any rules promulgated thereunder.

(B) The information obtained from the DIAEP system will be used for the visual identification of an identification card applicant; facial recognition technology may be used. The information will also indicate if an identification card holder is deceased. All personal information obtained from the DIAEP system shall be protected from unauthorized use and disclosure, at a minimum, as required by the DPPA and the state of record. The digital image and personal information obtained through the DIAEP system shall not be kept for a period exceeding three working days except for purposes of identification card fraud, identity theft investigation, and prosecution; as stated in section 19-149-12(C).

(C) A digital image and personal information received from a state of record through the DIAEP system may be used for purposes of investigating and prosecuting any individual who is reasonably believed to have fraudulently attempted to obtain a civil identification card by using the personal information of another individual whose image or personal

information has been received from the state of record, or who is reasonably believed to have engaged in acts or conduct of a similar nature that constitute a violation of law. Except as may be required by law, the examiner of drivers shall not permit a digital image or personal information obtained from a state of record to be accessed or used by a law enforcement agency or personnel of such agency for any other purpose.

(2) If, due to circumstances beyond the applicant's control, the applicant's documents or information relating to identity (including social security number), and lawful status have not yet been verified.

(3) In the event of a non-match or non-response from systematic alien verification for entitlements system, or a questionable status, and the examiner of drivers is unable to resolve the issue through the exceptions process indicated under section 19-149-8 of this chapter.

(4) In the event of a non-match or non-response from social security on-line verification, or a questionable status, and the examiner of drivers is unable to resolve the issue through the exceptions process indicated under section 19-149-8 of this chapter.

(5) Whenever the examiner of drivers has reasonable cause to believe that the applicant may be a victim of an image conflict, fraud, or where a discrepancy may exist in the applicant's information when the examiner of drivers attempts to verify the accuracy of the applicant's records with the issuing agency.

(b) The examiner of drivers shall not issue a temporary state civil identification card under the following conditions:

(1) Whenever the applicant's card is cancelled, suspended, invalid, revoked, forfeited, or subject to any similar action within this state or any other state, dominion or country.

(2) Whenever the examiner of drivers, after completing the verification process which includes systematic alien verification for entitlements system and social security on-line verification or other Department of Homeland Security-approved means, is unable to verify the applicant's documents or evidence of lawful status in the United States.

(3) Whenever the applicant does not hold a Hawaii civil identification card and is not a temporary or permanent lawful resident;

(4) Whenever the applicant holds a state civil identification card, unless the holder is qualified for a card but needs to wait for central issuance to produce and deliver the card.

(5) Whenever the applicant with another jurisdiction's identification card refuses to surrender the card for invalidation.

(6) Whenever the applicant's check or any other form of payment has been dishonored and the payment of the dishonored amount plus service charges has not been received by the examiner of drivers in the form of cash, cashier's check, money order or any other form of payment acceptable to the examiner of drivers.

(c) The temporary state civil identification card shall:

(1) Be clearly marked on the face of the paper card with the expiration date printed in red;

(2) Be printed on paper format with security features as determined by the examiners of drivers of the four counties and shall be consistent statewide; and

(3) Be valid for:

(A) A period of no greater than sixty days or no longer than the expiration date of lawful status in the United States, whichever is less; or

(B) A period of no greater than sixty days if the evidence of lawful status has no expiration date.

(d) Renewal of the temporary state civil identification card shall be subject to the following:

(1) A temporary card may be renewed once in person, provided that the examiner of drivers:

(A) Verifies the renewal applicant's social security number and lawful status through social security on-line verification and systematic alien verification for entitlements system, or through other Department of Homeland Security-approved means.

(B) Verifies electronically any information that was not verified at the previous issuance.

(2) A temporary card shall not be renewed by mail.

(3) All material changes must be established through the applicant's presentation of an original or certified copy of the source document and must be verified by the examiner of drivers by electronic, manual or other means. [Eff 3/23/14; am and comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §286-301)

§19-149-13 Denial of card. (a) If there is reasonable cause to believe that the applicant for a state civil identification card has not met the standards set forth in this chapter, the examiner of drivers shall not issue or renew the card.

(b) The examiner of drivers shall not issue any state identification card to any person whose check or

any other form of payment has been dishonored until the payment of the dishonored amount plus service charges are received in the form of cash, cashier's check, or money order, or any other form of payment acceptable to the examiner of drivers. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-303, 286-304)

§19-149-14 Issuance of card after denial. (a) A person who for reasons pursuant to this chapter was denied a state civil identification card may submit to the examiner of drivers additional documents, evidence, or information to determine proof of identity and lawful status; or qualify for any of the exceptions for the issuance of a state civil identification card as set forth within this chapter.

(b) The examiner of drivers may consider any or all of the additional documents, evidence or information submitted by the applicant and may require other information deemed relevant to effectively evaluate and determine the applicant's proof of identity, principal residence, and lawful status; or qualify for any of the exceptions for the issuance of a state civil identification card as set forth within this chapter. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-301, 286-304)

§19-149-15 Application for correction of state civil identification card. (a) Persons applying for correction of an error on the state identification card shall produce the original state identification card and be fingerprinted to verify identity when required by the examiner of drivers. In addition, documented evidence shall be presented by the applicant pertaining to that item of information on the state civil identification card to be corrected.

(b) A duplicate card fee will be assessed card holders for correcting any error in the holder's record that was caused by the holder. [Eff 3/23/14;

comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-303, 286-308)

§19-149-16 Application for alteration of state civil identification card. (a) All persons desiring to alter their state civil identification card shall follow the procedures and present the documents as required in section 19-149-3 for an original application.

(b) For those persons desiring alteration based on change of citizenship status, proof of the new citizenship shall be presented. For a new United States citizen, one of the following items shall be presented and an application for a duplicate card shall be made:

(1) Original United States certificate of naturalization;
(2) Original certificate of citizenship; or
(3) Original unexpired United States passport or United States passport card.

(c) Persons desiring alteration of their state identification card based on a change of gender must submit a completed gender designation form provided by the examiner of drivers and pay the duplicate card fee. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §286-308)

§19-149-17 Duplicate and renewal of state civil identification card. (a) Application must be made in person, and the applicant must present his or her current state civil identification card or other acceptable form of identification, plus provide any required information that may be missing from the applicant's record.

(b) Any card issued to applicants with temporary lawful status shall not be renewed or reactivated after expiration and the applicant shall be treated as a new applicant for a card. [Eff 3/23/14; comp] (Auth: HRS §286-303) (Imp: HRS

§§286-303, 286-306, 286-307)

§19-149-18 Renewal or duplicate by mail. (a) Cardholders age eighty years and older may renew by mail, provided the applicant had previously submitted all required documents and was physically present for fingerprinting and taking of their photo. The first renewal by mail will be processed using the picture on file. The second renewal by mail will require the applicant to submit updated photo and fingerprints. See subsection (d)(3) below for obtaining a fingerprint and photo packet.

(b) Persons who lost their card and are out of the state may apply for a duplicate state civil identification card by mail if there is no change in name, address or citizenship.

(c) An application form can be obtained at a county web site. The completed application form shall be mailed back to a local driver licensing office with a money order or cashier's check. If the cardholder wants to update the cardholder's photograph, the cardholder must go to a local driver licensing office in Hawaii.

(d) An applicant with a physical or mental disability may renew the applicant's state civil identification card by mail, if the applicant has a certification statement signed by the applicant's primary care physician that the applicant is, for a reason related to the applicant's physical or mental disability, unable to appear at the nearest office where renewals for state civil identification cards are being processed. Any qualifying applicant may apply for renewal through the mail by:

(1) Completing an application form;

(2) Affixing the qualifying applicant's signature;

(3) Affixing the appropriate fingerprints as listed in section 19-149-11. Caretakers may obtain from a local driver licensing station, a fingerprint and photo packet and instructions, which consists of a

fingerprint card, ink and a thumb drive for submitting two digital images of the applicant;

(4) Submitting two digital images of the applicant per instructions in the packet;

(5) Payment of the appropriate fees shall be in the form of a personal check, money order, or any other form of payment allowed by the county as listed in section 19-149-19(a); and

(6) Enclosing the application form, fee, and all applicable supporting documents required by section 19-149-3, including the signed certification by the qualifying applicant's primary care physician. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §286-303)

§19-149-19 Fees. (a) The fees for a state civil identification card for applicants are the fees that are established by the four counties for driver license issuance. All fees are payable in cash, check, money order or other form of payment allowed by the county.

(b) The fees collected shall become state realizations and shall be deposited into the state civil identification card special fund.

(c) The examiner of drivers may cancel the state identification card of any person whose check or any other form of payment has been dishonored for insufficient funds, and such person shall pay to the examiner of drivers a service charge for handling of the dishonored items in accordance with the county codes of the respective counties. The examiner of drivers may reinstate the canceled identification card upon receipt of payment of the dishonored amount plus service charges in the form of cash, cashier's check, money order, or any other form of payment acceptable to the examiner.

(d) Fees may be waived in cases of extreme hardship upon approval by the examiner of drivers. Extreme hardship can be documented by presenting a

Social Security Administration award letter for supplemental security income program benefits or a department of human services notice of financial benefits.

(e) The fee for an original or renewal state civil identification card shall be waived for a homeless applicant whose homeless status is verified by a letter issued by a Department of Human Services' recognized homeless service provider. [Eff 3/23/14; am and comp] (Auth: HRS §§286-306, 286-309) (Imp: HRS §286-309)

§19-149-20 Expiration date. State civil identification cards shall expire eight years from the year of issuance on the applicant's birthday, except for legal non-immigrants (foreign tourists, students, or employees who are not legal permanent residents), in which case the card shall bear the same expiration date as the expiration date on the Form I-94.

(1) For Canadian visitors who are allowed to stay in the United States for up to six months at a time, the card's expiration date shall be six months from the date of entry into the United States;

(2) For foreign students and student trainees, the date on the Form I-20 or Form IAP that presumes his or her completion of studies or student training shall be used as the expiration date. If only the month and year are noted, the last day of that month shall be used as the expiration date;

(3) For conditional resident aliens, the expiration date displayed at the bottom of the resident alien card shall be used as the expiration date;

(4) For individuals covered under the Compact of Free Association, the expiration date shall be eight years from the year of issuance on the applicant's birthday. These individuals are allowed unrestricted entry between their countries and the United States and include

Micronesia, Marshall Islands, Palau, and the Northern Marianas;

(5) For individuals paroled indefinitely, the expiration date shall be either the expiration date on their Immigration and Customs Enforcement employment authorization card or the expiration date on their passport, if Immigration and Customs Enforcement has not confiscated the passport. This applies to those individuals who are illegally in the United States, but due to the politics of their country, are not allowed reentry to their country. Immigration and Customs Enforcement allows them to work and remain in the United States until conditions in their country change to allow them reentry; and

(6) For individuals who enter the United States on a K status (fiancé/fiancée), the expiration date will be the date on the individual's Immigration and Customs Enforcement employment authorization card or the date of the interview which is set after the sponsor petitions the Immigration and Customs Enforcement for permanent residency. The applicant must present the applicant's employment authorization card or evidence of the interview date. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §§286-303, 286-306)

§19-149-21 Advance health-care directive. A cardholder who has an advance health-care directive shall have the state civil identification card issued with a symbol or abbreviation indicating that the cardholder has an individual instruction in writing, a living will, or a durable power of attorney for health care decisions. [Eff 3/23/14; comp] (Auth: HRS §§286-303, 286-304) (Imp: HRS §286-303)

§19-149-22 **Return of mailed state civil identification card.** **(a) The examiner of drivers may issue, over-the-counter, a USPS returned state identification card if assured that a USPS delivery error has occurred or under other unique circumstances as determined by the examiner of drivers.**

(b) If returned mailed state identification card is due to an address change, the examiner of drivers may issue, over-the-counter, a USPS returned state identification card with the incorrect address provided that appropriate documentary evidence of the new principal residence address, principal address, or mailing address is presented and scanned into the applicant's state civil identification record.

(c) Address changes need not be reflected on the card (6 CFR §37.3). If the applicant wishes the card printed with the correct address, a duplicate fee shall be assessed. If the address changes are due to a clerical error, a no-charge duplicate shall be issued. [Eff and comp] (Auth: HRS §286-303) (Imp: HRS §286-303)

§19-149-[~~22~~]**23** Severability. If any provision of this chapter, or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable." [Eff 3/23/14; am and comp] (Auth: HRS §286-303) (Imp: HRS §286-303)

2. The adoption of chapter 19-149, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on , and filed with the Office of the Lieutenant Governor.

FORD N. FUCHIGAMI
Director of Transportation

APPROVED AS TO FORM:

Deputy Attorney General