

DEPARTMENT OF TRANSPORTATION

Amendment of Chapter 19-149
Hawaii Administrative Rules

July 30, 2021

SUMMARY

1. § 19-149-18 is amended.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 149

RULES RELATING TO STATE CIVIL IDENTIFICATION

§19-149-18 Remotely issued renewal or duplicate.

(a) Cardholders may renew a REAL ID identification card remotely, provided the applicant was present when all required documents were submitted and present for fingerprinting and photographing; and for Real ID identification cards, there is no material change. The applicant must be present to take an updated photo and fingerprints no later than every sixteen years, but the applicant must renew in-person if the sixteenth year will occur before the expiration of the identification card. [Eff 3/23/14; comp 8/18/16; am and comp 7/19/21; am **AUG 06 2021**] (Auth: HRS §§286-303, 286-304) (Imp: HRS §286-303, 286-304).

DEPARTMENT OF TRANSPORTATION

The Department of Transportation finds that:

(a) The 2019 Novel Coronavirus ("COVID-19") was identified in January 2020 in Wuhan, China and has since spread around the world. COVID-19 spreads by respiratory droplets or aerosols expelled when a person breathes, coughs, sneezes, talks, or spits. It can also be spread by personal contact, including shaking hands or touching one's mouth, nose, or eyes after touching a contaminated surface.

(b) On January 31, 2020, the US Department of Health and Human Services declared COVID-19 a national public health emergency. On March 11, 2020, the World Health Organization declared a global pandemic. There have been more than 34 million COVID-19 cases and over 600,000 deaths in the United States. As of July 29, 2021, there have been 41,303 confirmed and probable cases and 534 deaths in Hawai'i.

(c) The Delta variant of COVID-19 is significantly more transmissible than the original strain of the virus, and accounts for the majority of confirmed cases in Hawai'i at this time. The Delta variant has resulted in significant surges in COVID-19 cases in other countries, in portions of the United States, and in Hawai'i.

(d) The Governor of the State of Hawai'i issued an emergency proclamation pursuant to chapter 127A, Hawaii Revised Statutes ("HRS") on March 4, 2020 declaring a state of emergency in Hawai'i due to the threat of COVID-19 to the people of the state. The Governor issued subsequent proclamations finding that COVID-19 has continued to endanger the health, safety, and welfare of the people of Hawai'i, the most recent being his Twenty-First Proclamation Related to the COVID-19 Emergency dated June 7, 2021.

(e) The COVID-19 pandemic constitutes an imminent peril to "the public health, safety, or morals, to livestock and poultry health, or to natural resources" as set forth in section 91-3(b), HRS.

(f) Swift adoption of these rules is necessary to address and mitigate the effects of COVID-19 by enabling the Department of Transportation to assist persons who need to renew a state civil identification card which is essential for all state residents who need a form of identification for banking purposes, obtaining medical services and medications, voting, traveling, entering certain government buildings and other transactions requiring validation of identity or age, the process of which has been impeded because of social distancing requirements resulting from the COVID-19 pandemic emergency.

(g) The threat presented by COVID-19 further prevents the Department of Transportation from conducting public hearings under section 91-3(a), HRS, in which people will be required to physically congregate in settings that are conducive to the spread of the virus.

(h) The Department of Transportation must therefore adopt these emergency rules without prior notice or hearing in order to continue the agency's COVID-19 mitigation efforts and to provide relief to the people of Hawai'i, as authorized under section 91-3(b), HRS.

Amendment to Chapter 149, Hawaii Administrative Rules, on the Summary Page dated July 30, 2021, was adopted on July 30, 2021, without prior notice or hearing pursuant to emergency rulemaking authority provided in HRS §91-3(b).

It shall take effect upon filing with the Office of the Lieutenant Governor and shall be effective for no more than 120 days after such filing without renewal.

J. T. Butay

JADE T. BUTAY
Director
Department of Transportation

APPROVED AS TO FORM:

J. Q. [Signature]

Deputy Attorney General

David Y. Ige

DAVID Y. IGE
Governor
State of Hawaii

Date: 7/30/21

Filed

LIEUTENANT GOVERNOR'S
OFFICE

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