

August 30, 2016

MEMO TO: PIA-3(2) File

F R O M: Elle Cochran  
Councilmember



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
2017 HAWAII STATE ASSOCIATION OF COUNTIES  
LEGISLATIVE PACKAGE** (PAF 16-154)

The attached legislative proposal pertains to Item 3(2) on your Committee's agenda.

paf:mkz:16-154c

Attachment

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2017 HAWAII  
STATE ASSOCIATION OF COUNTIES LEGISLATIVE  
PACKAGE A STATE BILL TO INCLUDE AUTOMATIC  
VOTER REGISTRATION FOR APPLICANTS FOR DRIVER'S  
LICENSES AND STATE IDENTIFICATION CARDS

WHEREAS, voter registration is low in Hawaii compared to other states; and

WHEREAS, enactment of State legislation to include automatic voter registration for those applying for driver's licenses and State identification cards would promote civic engagement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to include automatic voter registration for applicants for driver's licenses and State identification cards, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

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RELATING TO VOTING.

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

1       SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new section to part II to be appropriately designated  
3 and to read as follows:

4       "§11-A Automatic voter registration for eligible driver's  
5 license or civil identification card applications. (a) An  
6 applicant for a driver's license or civil identification card  
7 shall be automatically registered to vote, if the applicant is  
8 qualified to vote under this chapter and is not already  
9 registered to vote.

10       (b) The examiner of drivers in each county shall establish a  
11 schedule by which the county clerk shall be provided electronic  
12 records containing the legal name, age, residence, and  
13 citizenship information for, and the electronic signature of,  
14 each person who meets voter requirement qualifications pursuant  
15 to section 11-15.

**EXHIBIT "A"**

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1       (c) Upon receipt of the electronic information, the county  
2 clerk shall treat the information as constituting an application  
3 to register to vote under section 11-15.

4       (d) The county clerk shall notify each eligible applicant by  
5 postal or electronic mail of the option to decline being  
6 registered to vote.

7       (e) A county clerk may not send a ballot to or add to the  
8 registered voters list a person who meets eligibility  
9 requirements until at least twenty-one calendar days after county  
10 clerk provides notification to the applicant.

11       (f) Each county clerk shall adopt rules required to  
12 implement this section.

13       SECTION 2. Section 286-109, Hawaii Revised Statutes, is  
14 amended to read as follows:

15       **"§286-109 General provision governing the issuance of**  
16 **licenses.** (a) Upon payment of the required fee and upon  
17 demonstrating the ability to operate a certain category or  
18 categories of motor vehicles to the satisfaction of the examiner  
19 of drivers, an applicant for a driver's license shall be issued a  
20 single license of a design approved by the director of  
21 transportation upon which is made a notation of:

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- 1           (1) The category or categories of motor vehicles the  
2           applicant may operate;
- 3           (2) Any restrictive provisions to which the license is  
4           subject;
- 5           (3) Veteran status, if desired by the applicant; provided  
6           that the notation shall be on the front of the license  
7           and shall not include any designation other than the  
8           term "veteran"; and
- 9           (4) When the license is issued to a person under twenty-one  
10          years of age, a statement, in clearly legible print  
11          that shall contrast with the other information  
12          appearing on the license, which indicates the date on  
13          which the person will attain the age of twenty-one  
14          years. As used in this subsection, "veteran" means any  
15          person who served in any of the uniformed services of  
16          the United States and was discharged under conditions  
17          other than dishonorable.
- 18          (b) The examiner of drivers shall not issue or renew any  
19          driver's license using the driver's social security number on the  
20          driver's license.

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1           (c) Statutes of limitations and other provisions of this  
2 chapter notwithstanding, no driver's license or instruction  
3 permit shall be issued or renewed under this section, where the  
4 examiner of drivers is notified by the district judge, traffic  
5 violations bureaus of the district courts, or the judge of the  
6 circuit court that the applicant has failed to respond to a  
7 traffic citation or summons, or failed to appear in court after  
8 an arrest for the violation of any traffic laws of a county, this  
9 chapter or chapter 286G, 287, 290, 291, or 291C, or of any motor  
10 vehicle insurance laws under article 10C of chapter 431, or of  
11 any motorcycle or motor scooter insurance laws under article 10G  
12 of chapter 431, and the same remains delinquent and outstanding,  
13 or the applicant, has as of the time of the application, failed  
14 to comply in full with all orders of the court; provided that the  
15 district court with whose order an applicant has failed to comply  
16 in full, may approve the issuance or renewal of a driver's  
17 license or instruction permit other than a commercial driver's  
18 license upon conditions imposed by the court for the satisfaction  
19 of the outstanding court order and any other conditions as may be  
20 imposed by the court, if one or more of the following conditions  
21 are met:

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1           (1) The applicant is gainfully employed in a position that  
2           requires driving and will be discharged if the  
3           applicant is unable to drive; or

4           (2) The applicant has no access to alternative  
5           transportation and therefore must drive to work;

6 provided further that if the applicant has failed to comply in  
7 full with orders of the district court of more than one circuit,  
8 the applicant shall obtain the approval of the district court of  
9 each circuit in which the applicant has an outstanding court  
10 order before a driver's license or instruction permit may be  
11 issued or renewed under this subsection.

12           A driver's license or instruction permit issued or renewed  
13 under this subsection shall be subject to immediate suspension by  
14 the court upon the applicant's failure to remain in full  
15 compliance with all conditions imposed by the court for the  
16 issuance or renewal of the driver's license or instruction  
17 permit. The examiner of drivers may place an indication of  
18 restriction upon a driver's license or instruction permit issued  
19 or renewed under this subsection. Proof of financial  
20 responsibility under section 287-20 shall not apply to the

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1 issuance or renewal of driver's licenses or instruction permits  
2 under this subsection.

3 (d) An application for a driver's license shall include the  
4 information required under section 11-A."

5 SECTION 3. Section 286-301, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[[]§286-301[[]] Issuance of identification card or  
8 temporary card. (a) To obtain an identification card from the  
9 examiner of drivers, an individual shall complete an application  
10 pursuant to section 286-303.

11 (b) The examiner of drivers, upon receipt of the  
12 application by any individual who is a resident or a temporary  
13 resident of this State, shall issue an identification card to  
14 that individual upon receipt of any appropriate fee established  
15 pursuant to section 286-309.

16 (c) The identification card shall be similar in size,  
17 shape, and design to a driver's license, but shall not entitle  
18 the individual to whom it is issued to operate a motor vehicle.

19 (d) The issuance of an identification card pursuant to this  
20 section shall not place upon the State of Hawaii or any agency



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1 any liability for the misuse or the acceptance of the  
2 identification card as valid identification, which shall be left  
3 entirely to the discretion of any individual to whom such card is  
4 presented.

5 (e) An application for an identification card from the  
6 examiner of drivers shall include the information required under  
7 section 11-A."

8 SECTION 4. Section 286-311, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) [~~All~~] Except for purposes of sections 286-109 and 286-  
11 301, information and records acquired by the examiner of drivers  
12 under this part shall be confidential. All information and  
13 records shall be maintained in an appropriate form and in an  
14 appropriate office in the custody and under the control of the  
15 examiner. The information shall be available only to authorized  
16 individuals under such restrictions as the director shall  
17 prescribe. The examiner may dispose of any application or  
18 identification card, or information or record relating to the  
19 application or identification card, which does not include a  
20 social security number, without regard to chapter 94, whenever,

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1 in the examiner's discretion, retention of the information or  
2 record is no longer required or practicable."

3 SECTION 5. In codifying the new sections added by section 1  
4 of this Act, the revisor of statutes shall substitute appropriate  
5 section numbers for the letters used in designating the new  
6 sections in this Act.

7 SECTION 6. Statutory material to be repealed is bracketed  
8 and in strikethrough. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on January 1, 2018.

INTRODUCED BY: \_\_\_\_\_