DEPARTMENT OF THE ATTORNEY GENERAL

Amendment and Compilation of Chapter 5-22
Hawaii Administrative Rules
October 22, 2012

SUMMARY

1. §§5-22-2 to 5-22-3 are amended.

2. §§5-22-5 to 5-22-7 are amended.

3. §§5-22-9 to 5-22-10 are amended.

4. Chapter 5-22 is compiled.

3061

HAWAII ADMINISTRATIVE RULES

TITLE 5

DEPARTMENT OF THE ATTORNEY GENERAL

SUBTITLE 2

HAWAII CRIMINAL JUSTICE DATA CENTER

CHAPTER 22

CIVIL IDENTIFICATION

§5-22-1 Purpose
§5-22-2 Application for original state identification card
§5-22-3 Application for alteration of state identification card
§5-22-4 Application for correction of state identification card
§5-22-5 Application for a duplicate or renewal of a state identification card
§5-22-6 Permanent address
§5-22-7 Fees
§5-22-8 Fingerprints
§5-22-9 Renewal by mail
§5-22-10 Expiration date
§5-22-11 Advance health-care directive
§5-22-12 Severability

3061

3061

§5-22-1 Purpose. The purpose of this chapter is to outline the application procedures for issuance of a state identification card. [Eff 2/9/2006; comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §§846-28, 846-32)

§5-22-2 Application for original state identification card. (a) Application for an original state identification card shall be made in person.

(b) All applicants shall provide the following supporting documents at the time of application. All of the documents shall be originals or certified copies where an original is not expressly required.

(1) Documents verifying social security number: Original social security card or a social security health insurance card with an "A" designation after the social security number, or a valid or expired Hawaii driver's license with a social security number or a Form W2. All applicants not eligible to receive a social security card must present a letter from the Social Security Administration stating their ineligibility. If there are any discrepancies with the name on the social security card and other required documents, the applicant must work with the Social Security Administration for an acceptable resolution to the discrepancy. No identification card will be issued until the discrepancy is resolved;

(2) Documents verifying legal name: One of the items described in subparagraphs (A) to (H):

(A) Certified birth certificate issued by the state repository in the state where the applicant was born.

(i) The applicant must provide a computer printout from the Social Security Administration to verify the information on the social security card and the birth certificate under certain conditions. Some examples of these conditions are situations where the social security card does not have a title (Jr., II, III, IV, etc.) and the birth certificate has a title, or where there is a typographical error in the first letter of the surname on the social security card, or where the name

on a birth certificate has been amended (different local received date and state received date) with no indication of the previous name, and the person presents a social security card in a different name;

(ii) Foreign/English translation names: when there is a foreign first name on the birth certificate, the applicant may request to have the English equivalent appear on the state ID card (e.g., foreign first name "Giuseppe" with English equivalent of "Joseph", which can be displayed on the state ID card as "Joseph" Giuseppe XYZ) by providing proof of the translated name from a dictionary or other recognized source;

(iii) Birth certificate in foreign name: when an applicant has adopted the use of an English name prior to 1950 but has not obtained a legal name change, the applicant may request to have the English name appear on the state ID card (e.g., an applicant has a birth certificate that reads "Hanako" XYZ, and wants to use the adopted English name, "Ethel", which can be displayed on the state ID card as "Ethel" Hanako XYZ) by presenting one of the following that shows the English name: marriage certificate or social security computer printout;

(B) Certificate of child born abroad to American parent(s);

(C) Certificate of citizenship or naturalization;

(D) Original alien resident card. If the alien resident card lists two surnames and the social security card lists only one surname, the applicant must complete a Social Security Administration verification form or provide a social security computer printout so that the name can be verified;

(E) Original foreign passport, unexpired, issued by the applicant's country of citizenship, with a valid visa;

(F) Original Form I-94 departure card (refugee status);
(G) Certificate of identity for United States nationals; or
(H) Original unexpired United States passport and completed state identification passport supplemental information form:

and as many of the following items in subparagraphs (I) to (N), which apply to the applicant:

(I) Certified marriage certificate issued by the state health department or country where the event occurred; provided that documentation of a union entered into in other jurisdictions between two individuals not recognized under section 572-3, Hawaii Revised Statutes, shall be recognized as a civil union; and provided further that women who married prior to 1991 and were not given a middle name at birth may adopt the usage of their maiden name as their middle name or, if given a middle at birth, may adopt the usage of their maiden name as their middle name or with their middle name;
(J) Certified copy of a divorce decree, especially if there is a resumption of middle or surname clause;
(K) Certified copy of decree of legal adoption;
(L) Certified decree or order of legal name change;
(M) Certified marriage annulment; or
(N) Certified civil union certificate issued by State of Hawaii department of health;

(3) Documents verifying proof of birthdate: One of the following items in subparagraphs (A) to (G):
(A) Certified birth certificate issued by the state repository in the state where the applicant was born;
(B) Certified certificate of child born abroad to American parent(s);
(C) Original certificate of citizenship or naturalization;
(D) Original alien resident card;
(E) Original unexpired foreign passport, issued by the applicant's country, with a valid visa;

(F) Original Form I-94 departure card (refugee status); or

(G) Original unexpired United States passport and completed state identification passport supplemental information form; and

(4) Documents verifying proof of citizenship:

(A) United States citizen: One of the following items described in clauses (i) to (vi):

(i) Certified birth certificate issued by the state repository in the state where the applicant was born;

(ii) Certificate of citizenship or naturalization;

(iii) Certificate of child born abroad to American parent(s);

(iv) Original United States embassy letter for persons born in a foreign country that indicates their petition for United States citizenship has been granted, along with a United States passport;

(v) Original Form G-342 issued by the United States Immigration and Customs Enforcement; or

(vi) Original unexpired United States passport and completed state identification passport supplemental information form; or

(B) United States national: certified birth certificate with certificate of identity; or

(C) Non-United States citizen: one of the following items described in clauses (i) to (v):

(i) Original alien resident card issued by the United States Immigration and Customs Enforcement;

(ii) An original passport or certificate of citizenship for the country for which the applicant claims citizenship, if the applicant presents an original alien resident card but claims citizenship other than that of the country of birth;

(iii) Original foreign passport issued by the applicant's country, with valid visa, and Form I-94 card. Form I-20 or Form

is also required for foreign students and student trainees;

(iv) Original Form I-94 card for refugees with Employment Authorization Card; or

(v) Original Form G-342 issued by the United States Immigration and Customs Enforcement.

(c) An applicant must have the gender designation displayed on the state identification card. [Eff 2/9/2006; am and comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §§572B-8, 572B-10, 846-23, 846-28)

§5-22-3 Application for alteration of state identification card. (a) All persons desiring to alter their state identification card shall follow the procedures and present the documents as required in section 5-22-2 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:

(1) Original United States certificate of naturalization;

(2) Original certificate of citizenship; or

(3) Original unexpired United States passport and a completed state identification supplemental information form.

(c) In addition, for those persons desiring alteration of the state identification card regarding gender designation, a gender designation form in a form acceptable to the civil identification section, shall be presented. [Eff 2/9/2006; am and comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §846-32)

§5-22-4 Application for correction of state 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. In addition, documented evidence shall be presented by the applicant pertaining to that item of information on the state identification card to be corrected.

(b) No fee will be assessed for a replacement card if the correction is requested within thirty calendar days of the issuance of the original card. If the correction is

requested more than thirty calendar days after the original card was issued, the applicable fee will be assessed as provided in section 5-22-7. [Eff 2/9/2006; am and comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §846-32)

§5-22-5 Application for a duplicate or renewal of a state identification card. Persons applying for a duplicate or renewal of a state identification card shall follow procedures and must present supporting documentation required by section 5-22-2. If there was a stipulation for further documentation when the card was previously issued, then such further documentation shall be presented at the time of application for duplicate or renewal. [Eff 2/9/2006; am and comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §§846-27, 846-28, 846-29)

§5-22-6 Permanent address. The state identification card shall include the applicant's permanent address. An applicant's permanent address can be determined by one of the following with administrative approval:

(1) Department of taxation form A-6, application for tax clearance;
(2) Current property tax assessment form;
(3) Current rental agreement for six months or more;
(4) Current time-share agreement for six months or more;
(5) Current Hawaii utility bill with the applicant's name;
(6) Hawaii state income tax return from the preceding year with W-2 form;
(7) Hawaii State driver's license or motor vehicle registration form;
(8) Student identification card issued by a Hawaii school;
(9) Medical card issued by a Hawaii health insurance agency;
(10) For an individual claiming that the individual had no income to file a tax return and is receiving state welfare assistance, a letter from the Hawaii state department of human services dated not more than ninety days prior to the application for a state identification card

3061

certifying that the individual is receiving state assistance;

(11) Mail addressed to the applicant from a government or medical entity;

(12) 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; or

(13) If an applicant is in a shelter because of abuse, the applicant may display the address of a relative or friend or a post office box number on the card but must provide the applicant's permanent address for file purposes. [Eff 2/9/2006; am and comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §846-28)

§5-22-7 Fees. (a) The fee for a state identification card for applicants age sixty-five years and older is $15; for all others the fee is $20. All fees are payable in cash or money order.

(b) Web applicants will pay a state portal convenience fee and a reduced fee for their state identification card. Web applicants age sixty-five years and older will pay a fee of $10 and all other web applicants will pay a fee of $15.

(c) Fees may be waived, except for web applicants, in cases of extreme hardship upon approval by the attorney general or the attorney general's designee. Extreme hardship is when there are no funds available to the applicant to pay for the state identification card. The applicant requesting a fee waiver must provide evidence via a letter from a social service agency, welfare agency, or nonprofit entity to indicate all efforts to obtain the necessary funds have been exhausted. [Eff 2/9/2006; am and comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §846-23)

§5-22-8 Fingerprints. (a) The applicant's right index and left index fingerprints shall be obtained for purposes of identification, as required by section 846-28, Hawaii Revised Statutes.

(b) If a clear impression of the right or left index fingerprint cannot be obtained due to injury, allergy, amputation, deformity, paralysis, or other causes, then

alternate fingerprints will be taken in the following successive order until at least two clear impressions are obtained:

(1) Right thumb;
(2) Right middle finger;
(3) Right ring finger;
(4) Right little finger;
(5) Left thumb;
(6) Left middle finger;
(7) Left ring finger; or
(8) Left little finger.

(c) When the applicant's fingerprints must be verified against a record stored on microfilm, the classifier may select additional or all fingers to be fingerprinted in order to aid in the verification of identity against the microfilmed records. [Eff 2/9/2006; comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §846-28)

§5-22-9 Renewal by mail. (a) Cardholders age sixty-five years and older who obtained state identification cards on or after November 1, 1998, may renew their state identification card by mail if there are no changes in name and citizenship. The completed application form shall be mailed back to the state identification office with a money order, cashier's check, or personal check. If the cardholder wants to update the cardholder's photograph, the cardholder may call the nearest state identification office for an appointment.

(b) An applicant with a physical or mental disability who had obtained a state identification card on or after November 1, 1998, may renew the applicant's state identification card by mail, if the applicant has the 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 identification cards are being processed. A qualifying applicant may apply for renewal through the mail by:

(1) Completing the applicable application form;
(2) Affixing the qualifying applicant's signature;
(3) Affixing the appropriate fingerprints as listed in section 5-22-8;

(4) Providing a recent color photograph that meets the specifications described on the application form and affixing the photograph to the application form;
(5) Enclosing a money order or cashier's check as listed in section 5-22-7; and
(6) Enclosing the application form, fee, and all applicable supporting documents required by section 5-22-5, including the signed certification by the qualifying applicant's primary care physician on the application form.

[Eff 2/9/2006; am and comp DEC 17 2012]
(Auth: HRS §846-27) (Imp: HRS §846-27)

§5-22-10 Expiration date. State 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 departure card.

(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 2/9/2006: am and comp DEC 17 2012] (Auth: HRS §§846-23, 846-30.5) (Imp: HRS §846-30.5)

§5-22-11 Advance health-care directive. A cardholder who has an advance health-care directive may choose to have the state 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 2/9/2006; comp DEC 17 2012] (Auth: HRS §846-28) (Imp: HRS §846-28)

§5-22-12 Severability. If any provision of this chapter, or the application thereof to any person or circumstances is held invalid, the invalidity does 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 2/9/2006; comp DEC 17 2012] (Auth: HRS §846-23) (Imp: HRS §846-23)

3061

DEPARTMENT OF THE ATTORNEY GENERAL

Amendments to and compilation of chapter 5-22, title 5, Hawaii Administrative Rules, on the Summary page dated October 22, 2012, were adopted on October 22, 2012, following a public hearing held on September 14, 2012, after public notice was given in the Honolulu Star Advertiser, The Garden Island, The Maui News, West Hawaii Today and Hawaii Tribune Herald on August 13, 2012.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

for Administrator
Hawaii Criminal Justice
Data Center

David M. Louie
Attorney General

Neil Abercrombie
Governor
State of Hawaii

Dated: 12-7-12

Filed

APPROVED AS TO FORM:

Deputy Attorney General

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