

DEPARTMENT OF THE ATTORNEY GENERAL

Adoption of Chapter 5-22
Hawaii Administrative Rules

October 25, 2005

SUMMARY

Chapter 22 of Title 5, Hawaii Administrative Rules, entitled "Civil Identification", is adopted.

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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

§5-22-1 Purpose. The purpose of this chapter is to outline the application procedures for issuance of a state identification card. [Eff FEB 09 2006] (Auth: HRS §846-23) (Imp: HRS §§846-23, 846-24)

§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) 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;
- (2) 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 Office 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:

- (B) marriage certificate or social security computer printout;
- (B) Certificate of child born abroad to American parent(s);
- (C) Certificate of citizenship or naturalization;
- (D) Alien resident card. If the alien resident card lists two surnames and the social security card lists only one surname, the applicant must provide a social security computer printout so that the name can be verified;
- (E) Foreign passport, unexpired, issued by the applicant's country, with a valid visa;
- (F) INS I-94 departure card (refugee status);
- (G) Certificate of identity for United States nationals; or
- (H) Unexpired United States passport and completed state identification passport supplemental information form;

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

- (I) Certified marriage certificate issued by the state health department or country where the event occurred;
 - (J) Certified copy of a divorce decree, especially if there is a resumption of surname clause;
 - (K) Certified copy of decree of legal adoption;
 - (L) Certified decree or order of legal name change; or
 - (M) Certified marriage annulment;
- (3) 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 INS I-94 departure card (refugee status); or
 - (G) Original unexpired United States passport; and
- (4) Proof of citizenship:
- (A) United States citizen: One of the following items described in clauses (i) to (vi):

- (i) Certified birth certificate;
- (ii) Certificate of citizenship or naturalization;
- (iii) Certificate of child born abroad to American parent(s);
- (iv) 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) Form G-342 issued by the United States Immigration and Naturalization Service; or
- (vi) Unexpired United States passport;
- (B) United States national: birth certificate with certificate of identity; or
- (C) Non-United States citizen: one of the following items described in clauses (i) to (v):
 - (i) Alien resident card issued by the United States Immigration and Naturalization Office;
 - (ii) A passport or certificate of citizenship for the country for which the applicant claims citizenship, if the applicant presents an alien resident card but claims citizenship other than that of the country of birth;
 - (iii) Foreign passport issued by the applicant's country, with valid visa, and I-94 card. Form I-20 or Form IAP is also required for foreign students and student trainees;
 - (iv) I-94 card for refugees with Employment Authorization Card; or
 - (v) Form G-342 issued by the United States Immigration and Naturalization Service.
- (c) An applicant may choose to have the sex designation omitted from the state identification card. [Eff **FEB 09 2006**] (Auth: HRS §846-23) (Imp: HRS §§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, a United States certificate of naturalization or certificate of citizenship shall be presented.

(c) In addition, for those persons desiring alteration of their state identification card based on change of sex, a medical document certifying the completion of a sex change or other certified document indicating the same shall be presented. [Eff FEB 09 2006] (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 days of the issuance of the original card. If the correction is requested more than thirty days after the original card was issued, the applicable fee will be assessed as provided in section 5-22-7. [Eff FEB 09 2006] (Auth: HRS §846-23) (Imp: HRS §846-32)

§5-22-5 Application for a duplicate or renewal of a state identification card. (a) Persons applying for a duplicate state identification card shall follow the procedures and present the documents required by section 5-22-2.

(b) Persons applying for renewal of a state identification card with no change in name and citizenship may either present the current identification card in lieu of presenting supporting documentation required by section 5-22-2 or present all of the 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 renewal. [Eff FEB 09 2006] (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. If there is a question about the applicant's

permanent address, an applicant's permanent address will be determined by one of the following:

- (1) Applicant's current voter registration form;
- (2) Department of taxation form A-6, application for tax clearance;
- (3) Current property tax assessment form;
- (4) Current rental agreement for six months or more;
- (5) Current time-share agreement for six months or more;
- (6) Current Hawaii utility bill with the applicant's name;
- (7) The preceding year's Hawaii state income tax return with W-2 form; or
- (8) 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 certifying that the individual is receiving state assistance. [Eff

FEB 09 2006

HRS §846-28)] (Auth: HRS §846-23) (Imp:

§5-22-7 Fees. (a) The fee for a state identification card for applicants age sixty-five years and older is \$10; for all others the fee is \$15 payable in cash or money order.

(b) Fees may be waived 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 non-profit entity to indicate all efforts to obtain the necessary funds have been exhausted. [Eff

FEB 09 2006

] (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 FEB 09 2006] (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 or cashier's check for \$10. 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 on the application form 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 FEB 09 2006] (Auth: HRS §846-27) (Imp: HRS §846-27)

§5-22-10 Expiration date. State identification cards shall expire six 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 INS 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 issue;
- (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 six years from the year of issuance on the applicant's birthday. These individuals are allowed unrestricted entry between their country and the United States and includes 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 Naturalization Service (INS) employment authorization card or the expiration date on their passport, if INS 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. INS 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 INS employment authorization card or the date of the interview which is set after the sponsor petitions the INS for permanent residency. The applicant must present the applicant's employment authorization card or evidence of the interview date.

[Eff FEB 09 2006] (Auth: HRS
§§846-23, 846-30.5) (Imp: HRS §846-30.5)

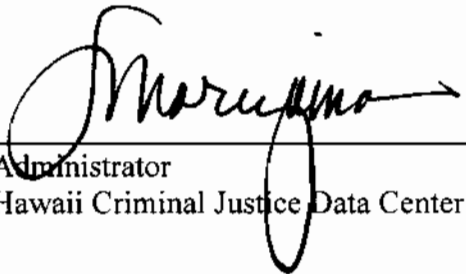
§5-22-11 Advance health-care directive. A cardholder who has an advance health-care directive may choose to have the state identification card issued with a symbol or abbreviation indicating that the cardholder has an individual instruction in writing, a living will, or a durable power of attorney for health care decisions. [Eff **FEB 09 2006**] (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 **FEB 09 2006**] (Auth: HRS §846-23) (Imp: HRS §846-23)

DEPARTMENT OF THE ATTORNEY GENERAL

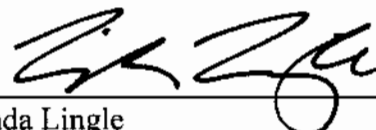
Chapter 5-22, Hawaii Administrative Rules, on the summary Page dated October 25, 2005, was adopted on _____, following a public hearing held on _____, after public notice was given in the Honolulu Advertiser on _____, and in the Honolulu Star-Bulletin on _____.

The adoption of chapter 5-22 shall take effect ten days after filing with the Office of the Lieutenant Governor.

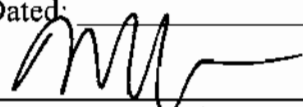


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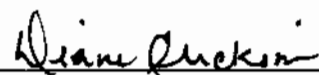
 JAN 27 2006

Linda Lingle
Governor
State of Hawaii

JAN 12 2006
Dated: _____


Attorney General Mark J. Bennett

APPROVED AS TO FORM:



Deputy Attorney General

Filed

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LIEUTENANT GOVERNOR'S
OFFICE