



## **DEPARTMENT OF THE ATTORNEY GENERAL**

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### **Hawaii Attorney General Continues Multistate Defense of Immigrant Driver Licenses**

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition of 14 states led by Connecticut in filing an amicus brief defending the right of states to keep their roads safe by issuing driver’s licenses to residents regardless of federal immigration status.

The case involves a challenge to New York’s Green Light Law by Erie County Clerk Michael Kearns. New York’s law, passed last June, authorizes the issuance of driver’s licenses to state residents without regard to immigration status. The partisan challenge wrongly claims that federal immigration law preempts New York’s state authority to issue those licenses.

The brief, filed by states that similarly offer licenses regardless of immigration status, argues that issuing and regulating personal driving credentials is a traditional and effective exercise of states’ constitutionally-protected power to promote residents’ safety and health. States have issued driver’s licenses since 1903, and no state conditioned driving on immigration status until 1993.

Since 2015, Hawaii law has authorized issuance of “limited purpose driver’s licenses.” Hawaii Revised Statutes § 286-104.5 allows people who might not be able to satisfy the more restrictive federal identification requirements to obtain licenses, but the licenses cannot be used for federal purposes.

The multistate coalition filed an initial amicus brief in the case last August with the federal district court for the Western District of New York. That court dismissed the challenge. The case is now before the federal Court of Appeals for the Second Circuit.

“The issuance of driver’s license properly falls under the authority of the states,” said Attorney General Connors. “The states are in the best position, to evaluate the health and safety considerations implicated by the decision to issue drivers licenses.”

By passing the Green Light Law last June, New York became the fifteenth state or territory to authorize driver's licenses for immigrants. Right now, 123 million Americans – 37 percent of all people in the United States – live in a state or territory that issues licenses regardless of immigration status. The New York lawsuit, if successful, could open the door to an unprecedented federal interference with states' traditional prerogative to grant driver's licenses.

In addition to New York and Connecticut, California, Colorado, Delaware, the District of Columbia, Hawaii, Illinois, Maryland, New Jersey, New Mexico, Nevada, Oregon, Puerto Rico, Utah, Vermont, and Washington all credential driver's without proof of immigration status.

Joining Attorney General Connors in filing the amicus brief are the attorneys general of Connecticut, California, Delaware, the District of Columbia, Illinois, Maryland, Nevada, New Jersey, New Mexico, Oregon, Vermont, and Washington.

A copy of the letter is available [here](#).

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