(MARKED UP VERSION OF PROPOSED RULE)

DEPARTMENT OF FINANCE AND ADMINISTRATION –
OFFICE OF DRIVER SERVICES
RULES FOR GENDER INFORMATION REQUIRED TO BE DISPLAYED ON AN ARKANSAS DRIVER'S LICENSE OR STATE IDENTIFICATION CARD

I. DEFINITIONS.

As used in these Rules:

(1) (A) "Applicant" means a person that has applied to the Office of Driver Services for issuance or renewal of an Arkansas driver's license or identification card.

(B) "Applicant" includes a person that has applied to the Office of Driver Services for an amendment of gender information contained on the person's Arkansas driver's license or state-issued identification card under Rule IV of these Rules.

(2) "Driver's license" means a commercial or non-commercial Arkansas driver's license issued by the Office of the Driver Services.

(3) "Gender information" means the sex of an Applicant as stated on the Applicant's identity document.

(4) "Identification card" means the card issued for identification purposes only by the Office of Driver Services under Ark. Code Ann. § 27-16-805.

(5) "Identity document" means an Applicant's:

(A) Original birth certificate;

(B) Amended birth certificate;

(C) Passport; or

(D) Identification document issued by the United States Department of Homeland Security.

(6) "Office" means the Office of Driver Services of the Arkansas Department of Finance and Administration.

II. VERIFICATION OF APPLICANT INFORMATION UPON RENEWAL OF A DRIVER'S LICENSE OR IDENTIFICATION CARD.

An Applicant shall verify to the Office that the following information contained within records of the Office is correct upon the renewal of the Applicant's driver's license or identification card:

(a) The Applicant's full legal name;

(b) The Applicant's date of birth;
(c) The Applicant's gender information; and
(d) The Applicant's address of residence.

III. GENDER INFORMATION REQUIRED TO BE STATED ON A DRIVER'S LICENSE OR IDENTIFICATION CARD.

(a) A driver's license or identification card issued by the Office shall state the Applicant's gender information as "M" (male) or "F" (female).

(b) Except as provided under subsection (d)(1) of this Rule, a driver's license or identification card issued by the Office shall contain the same gender information as stated on the Applicant's identity document.

(c) The Office shall not issue a driver's license or identification card that contains:
(1) Gender information stated as "X"; or
(2) No gender information.

(d) (1) If an Applicant provides an identity document with an application for a driver's license or identification card that contains no gender information or gender information stated as "X", on a form provided by the Office, the Applicant shall state the Applicant's gender information as "M" (male) or "F" (female).
(2) (A) The Applicant's driver's license or identification card issued or renewed by the Office shall state the same gender information as the form completed by the Applicant under subsection (d)(1) of this Rule.
(B) The Applicant may subsequently amend the gender information contained on the Applicant's driver's license or identification card by submitting the form and documentation required under subsections (a)(1) and (a)(2) of Rule IV of these Rules.
(3) If the Applicant does not provide the Office with the completed form required under subsection (d)(1) of this Rule, the Office shall not issue the driver's license or identification card to the Applicant.

IV. AMENDMENT OF GENDER INFORMATION ON A DRIVER'S LICENSE OR IDENTIFICATION CARD.

(a) (1) On a form provided by the Office, an Applicant may request the Office amend the gender information contained on the Applicant's driver's license or identification card.
(2) The Applicant shall submit with the form an original or certified copy of an amended birth certificate issued by:
(A) The Arkansas Department of Health under Ark. Code Ann. § 20-18-307; or
(B) The vital records office of another state or governmental agency.

(b) (1) The Office shall not grant an application for change of gender information unless the Applicant:

(A) Completes the form provided under subsection (a)(1) of this Rule; and

(B) Submits the documentation required by subsection (a)(2) of this Rule.

(2) If the Office approves the application for amendment of gender information, the Office may issue to the Applicant an amended duplicate:

(A) Driver's license upon the payment of the fee under Ark. Code Ann. § 27-16-806 provided that the Applicant's driving privileges are not currently suspended or revoked; or

(B) Identification card upon the payment of the fee provided under Ark. Code Ann. § 27-16-805.

(c) If the Office denies an application to amend gender information submitted under this Rule, the Office shall state its reasons for the denial in writing and forward a copy of the denial letter to the Applicant via 1st Class U.S. Mail.

(d) (1) If the records of the Office contain a record of an unexpired driver's license or identification card that has been issued with gender information stated as "X", the Office may amend the person's record to reflect gender information as "M" (male) or "F" (female) to correspond to the identity document records of the Applicant kept by the Office.

(2) If the Office amends the gender information contained within a person's driver's license or identification card record under subsection (d)(1) of this Rule, the Office shall notify the person in writing via 1st Class U.S. Mail.

(e) A driver's license or identification card that has been amended under this Rule shall contain the person's amended gender information upon the:

(1) Renewal of the driver's license or identification card; or

(2) Issuance of a duplicate driver's license or identification card.

Issued this ____ day of May in the City of Little Rock, Pulaski County, Arkansas.

Jim Hudson, Secretary
Department of Finance and Administration