

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1796

By: Representative Beaty Jr.

By: Senator B. Johnson

For An Act To Be Entitled

AN ACT TO REQUIRE THE DISPLAY OF GENDER INFORMATION
ON AN ARKANSAS DRIVER'S LICENSE OR IDENTIFICATION
CARD; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THE DISPLAY OF GENDER
INFORMATION ON AN ARKANSAS DRIVER'S
LICENSE OR IDENTIFICATION CARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-16-1104 is amended to read as follows:

27-16-1104. Minimum document requirements - Definitions.

(a) As used in this section:

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

(B) "Applicant" includes without limitation a person who has applied to the Office of Driver Services for an amendment of gender information contained on the person's Arkansas driver's license or identification card under subsection (d) of this section;

(2) "Gender information" means the sex of an applicant as stated on the applicant's identity document; and

(3) "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.

(b) To meet the requirements of this subchapter, the Office of Driver Services shall include at a minimum the following information and features on each driver's license and identification card that it issues to ~~a person~~ an applicant:

- (1) The ~~person's~~ applicant's full legal name;
- (2) The ~~person's~~ applicant's date of birth;
- (3) The ~~person's~~ applicant's gender information;
- (4) The ~~person's~~ applicant's driver's license or identification card number;
- (5) A digital photograph of the ~~person~~ applicant;
- (6) The ~~person's~~ applicant's address of residence;
- (7) The ~~person's~~ applicant's signature;
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes; and
- (9) A common machine-readable technology with defined minimum data elements.

(c)(1) A driver's license or identification card issued by the Office of Driver Services shall state the applicant's gender information as "M" for male or "F" for female.

(2) Except as provided under subdivision (c)(4) of this section, a driver's license or identification card issued by the Office of Driver Services shall contain the same gender information as stated on the applicant's identity document.

(3) The Office of Driver Services shall not issue a driver's license or identification card that contains:

- (A) Gender information stated as "X"; or
- (B) No gender information.

(4)(A) 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", the applicant shall state the applicant's gender information as "M" for male or "F" for female on a form provided by the Office of Driver Services.

(B)(i) The applicant's driver's license or identification card issued or renewed by the Office of Driver Services shall state the same

gender information as the form completed by the applicant under subdivision (c)(4)(A) of this section.

(ii) 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 subsection (d) of this section.

(5) If the 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" and does not provide the Office of Driver Services the completed form required under subdivision (c)(4)(A) of this section, the Office of Driver Services shall not issue a driver's license or identification card to the applicant.

(d)(1) On a form provided by the Office of Driver Services, an applicant may request the Office of Driver Services 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 Department of Health under § 20-18-307; or

(B) The vital records office of another state or governmental agency.

(3)(A) The Office of Driver Services shall not grant an application for a change of gender information unless the applicant:

(i) Completes the form provided under subdivision (d)(1) of this section; and

(ii) Submits the documentation required by subdivision (d)(2) of this section.

(B) If the Office of Driver Services approves the application for an amendment of gender information, the Office of Driver Services may issue to the applicant an amended duplicate:

(i) Driver's license upon the payment of the fee under § 27-16-806, provided that the applicant's driving privileges are not currently suspended or revoked; or

(ii) Identification card upon the payment of the fee provided under § 27-16-805.

(4) If the Office of Driver Services denies an application to

amend gender information submitted under this section, the Office of Driver Services shall state its reasons for the denial in writing and forward a copy of the denial to the applicant via first class mail.

(5) If a driver's license or identification card record has been amended under this section, the driver's license or identification card shall contain the person's amended gender information upon the:

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

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

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

(2) If the Office of Driver Services amends the gender information contained within a person's driver's license or identification card record under subdivision (e)(1) of this section, the Office of Driver Services shall notify the person in writing via first class mail.