

Title 27. Transportation

Chapter I. Department of Finance and Administration

Subchapter C. Driver's License

Part 34. Rules for Gender Information Required to be Displayed on an Arkansas Driver's License or State Identification Card

Subpart 1. Generally

27 CAR § 34-101. Definitions.

As used in this part:

(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 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 state-issued identification card under 27 CAR § 34-104;

(2) "Driver's license" means a commercial or noncommercial Arkansas driver's license issued by the Office of 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 Arkansas Code § 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; and

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

Authority. Arkansas Code § 27-16-1108.

27 CAR § 34-102. Verification of applicant information upon renewal of a driver's license or identification card.

An applicant shall verify to the Office of Driver Services 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:

- (1) The applicant's full legal name;
- (2) The applicant's date of birth;
- (3) The applicant's gender information; and
- (4) The applicant's address of residence.

Authority. Arkansas Code § 27-16-1108.

27 CAR § 34-103. 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 of Driver Services shall state the applicant's gender information as "M" (male) or "F" (female).

(b) Except as provided under subdivision (d)(1) of this section, 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 subdivision (d)(1) of this section.

(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 27 CAR § 34-104(a)(1) and (2).

(3) If the applicant does not provide the office with the completed form required under subdivision (d)(1) of this section, the office shall not issue the driver's license or identification card to the applicant.

Authority. Arkansas Code § 27-16-1108.

27 CAR § 34-104. Amendment of gender information on a driver's license or identification card.

(a)(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 Arkansas Code § 20-18-307; or

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

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

(A) Completes the form provided under subdivision (a)(1) of this section;

and

(B) Submits the documentation required by subdivision (a)(2) of this

section.

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

(A) Driver's license upon the payment of the fee under Arkansas Code § 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 Arkansas Code § 27-16-805.

(c) If the Office of Driver Services denies an application to amend gender information submitted under this part, the Office of Driver Services shall state its reasons for the denial in writing and forward a copy of the denial letter to the applicant via first class United States mail.

(d)(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" (male) or "F" (female) to correspond to the identity document records of the applicant 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 (d)(1) of this section, the Office of Driver Services shall notify the person in writing via first class United States mail.

(e) A driver's license or identification card that has been amended under this part 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.

Authority. Arkansas Code § 27-16-1108.