

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1796

5 By: Representative Beaty Jr.
6 By: Senator B. Johnson
7

For An Act To Be Entitled

8
9 AN ACT TO REQUIRE THE DISPLAY OF GENDER INFORMATION
10 ON AN ARKANSAS DRIVER’S LICENSE OR IDENTIFICATION
11 CARD; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO REQUIRE THE DISPLAY OF GENDER
16 INFORMATION ON AN ARKANSAS DRIVER’S
17 LICENSE OR IDENTIFICATION CARD.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 27-16-1104 is amended to read as follows:
22 27-16-1104. Minimum document requirements – Definitions.

23 (a) As used in this section:

24 (1)(A) “Applicant” means a person who has applied to the Office
25 of Driver Services for issuance or renewal of an Arkansas driver’s license or
26 identification card.

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

31 (2) “Gender information” means the sex of an applicant as stated
32 on the applicant’s identity document; and

33 (3) “Identity document” means an applicant’s:

34 (A) Original birth certificate;

35 (B) Amended birth certificate;

36 (C) Passport; or



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

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

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

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

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

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

28 (A) Gender information stated as "X"; or

29 (B) No gender information.

30 (4)(A) If an applicant provides an identity document with an
 31 application for a driver's license or identification card that contains no
 32 gender information or gender information stated as "X", the applicant shall
 33 state the applicant's gender information as "M" for male or "F" for female on
 34 a form provided by the Office of Driver Services.

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

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

3 (ii) The applicant may subsequently amend the gender
4 information contained on the applicant's driver's license or identification
5 card by submitting the form and documentation required under subsection (d)
6 of this section.

7 (5) If the applicant provides an identity document with an
8 application for a driver's license or identification card that contains no
9 gender information or gender information stated as "X" and does not provide
10 the Office of Driver Services the completed form required under subdivision
11 (c)(4)(A) of this section, the Office of Driver Services shall not issue a
12 driver's license or identification card to the applicant.

13 (d)(1) On a form provided by the Office of Driver Services, an
14 applicant may request the Office of Driver Services amend the gender
15 information contained on the applicant's driver's license or identification
16 card.

17 (2) The applicant shall submit with the form an original or
18 certified copy of an amended birth certificate issued by:

19 (A) The Department of Health under § 20-18-307; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36