

DEPARTMENT OF REVENUE
DIVISION OF MOTOR VEHICLES
DRIVER'S LICENSE – DRIVER CONTROL
1 CCR 204-32

RULE 1 SEX DESIGNATION FOR DRIVER LICENSES, IDENTIFICATION CARDS, AND IDENTIFICATION DOCUMENTS

BASIS ~~and~~, PURPOSE, ~~and~~ STATUTORY AUTHORITY

~~The Department of Revenue, Division of Motor Vehicles, Driver Services Section developed these regulations to implement Colorado statutes concerning~~ The purpose of the rule is to ensure the accuracy of the sex designation on driver licenses, identification ~~_~~ cards, and identification documents issued by the Division of Motor Vehicles. ~~The revisions to the rule is are rule~~ intended to implement recent legislation in House Bill 19-1039, passed by the General Assembly and signed by the Governor on May 31, 2019, and which takes effect on January 1, 2020. As required by law, ~~The rule~~ authorizes individuals to obtain a correct sex designation on their license, identification card, or identification document ~~and~~ and ~~The rule also ensures~~ that the Division of Motor Vehicles collects and maintains accurate sex designation data.

~~To conform with the law, the Pursuant to the rule provides that, Colorado driver licenses, identification cards, and identification documents will an applicant may choosedisplay from~~ one of three sex designations; ~~including~~ female, male, ~~and or~~ Xintersex. ~~As required by law, Under the rule,~~ The holder of an existing license, identification card, or identification document may amend their sex designation one time using a form created by the Department ~~(and, for customers under 18, a medical statement using a form created by the department) or an amended Colorado birth certificate issued pursuant to C.R.S. 25-2-113.8 issued as permitted by law pursuant to section 25-2-113.8, C.R.S. Customers under 18 may amend the sex designation either by using the form with a medical statement --, which form requires confirmation from a licensed treating medical or behavioral healthcare provider that the individual has received appropriate clinical treatment for their correct sex. The rule does not require that an individual undergo any specific surgery, treatment, clinical care, or behavioral healthcare. The rule also does not require that the treating medical or behavioral healthcare provider be licensed by the State of Colorado, and may instead be licensed in another jurisdiction. or an amended Colorado birth certificate issued pursuant to section 25-2-113.8, C.R.S.~~

STATUTORY AUTHORITY

~~The rule is consistent with a recent Colorado federal district court decision ordering the U.S. Department of State to issue a passport with an intersex sex designation to a Colorado citizen. See *Zzyym v. Pompeo*, Case No. 15-CV-2362-RBJ, 2018 WL 4491434 (D. Colo. Sept. 19, 2018). Adopting the rule allowing the designation will also make the Division of Motor Vehicle's practices consistent with American Association of Motor Vehicle Administrators (AAMVA) Card Design Standards as well as the practices of four other states and the~~

~~District of Columbia.~~

The ~~rule is promulgated in compliance with statutory authorities for the rule are sections~~ section 24-4-103, C.R.S., and is authorized by the following statutory authorities: Section 24-4-104, 25-2-113.8, C.R.S., which provides process for amending birth certificates and requires notification to the Department of Revenue; sections 42-1-201, and 42-1-204, C.R.S, which authorize the executive director to make regulations under articles 1 to 4 of title 42; and sections 42-2-107, 42-2-108, 42-2-302, 42-2-303, 42-2-403, and 42-2-505, C.R.S., concerning driver licenses, identification cards and identification documents.

1.0 Definitions

1.1 Department – The Colorado Department of Revenue

1.2 Driver License – A driver license, minor driver license, or instruction permit.

4.1 Source Document – A document that is provided by an applicant to prove identity and/or lawful presence as specified in 1 CCR 204-30 Rule 1, 6, and/or 13.

1.3

4.2 Sex or Gender – For purposes of Article 2 of Title 42, and all rules, regulations, and forms related to Article 2 of Title 42, "sex" or "gender" means female, male, or intersex.

2.0 Available Sex Designations

2.1 For purposes of Article 2 of Title 42, and all rules, regulations, and forms related to Article 2 of Title 42, "sex" or "gender" may be designated as female, male, or X.

–2.1.1 X is a designation that is neither male nor female

3.0 Determination of Sex Designation at Initial Application

3.1 At the time of initial application, an applicant's sex designation will be determined by a review of the source documents provided by the applicant.

–3.1.1 When an applicant's source documents all display the same sex designation, that designation will be used for the credential application.

–3.1.2 When an applicant's source documents do not all display the same sex designation, the applicant may choose the designation which accurately reflects the person's gender identity from the designations present on source documents.

24.0 Changing Amending a Sex Designation

4.1 In accordance with C.R.S. 42-2-107(2)(a)(II), C.R.S 42-2-302(2.5)(a), and C.R.S. 42-2-505(1.5)(a), Bbefore changing amending the sex designation on a driver's license, identification card, or identification document issued by the Division of Motor Vehicles, the Department must:

4.1.1 Receive a "Change of Sex Designation" (DR2083) form from the person, or from the person's parent, if the person is a minor, or from the person's guardian or legal representative, confirming the sex designation on the person's driver license, identification card, or

identification document does not align with the person's gender identity; and

~~4.1.2 If the person is a minor under 18 years of age, the Department must also receive a signed Health Care Provider Statement on the "Change of Sex Designation" (DR2083) form. The statement must be signed ~~must be signed~~ by a professional medical or mental health care provider who is licensed in good standing in Colorado, or an equivalent license in good standing from another jurisdiction, and shall state ~~ing~~ that the minor has undergone surgical, hormonal, or other treatment appropriate for that person for the purpose of gender transition, based on contemporary medical standards, and that, in the provider's professional opinion, the minor's sex designation should be changed accordingly, or the minor has an intersex condition, and, in the provider's professional opinion, the minor's sex designation should be changed accordingly; or~~

~~4.1.3 Receive a new Colorado birth certificate issued pursuant to C.R.S. 25-2-113.8.~~

~~2.1~~

~~2.1.1—4.2 Note that, by law, a Confirm that the name on the driver's license, identification card, or identification document and the name of the individual for whom the change is requested, match or can be linked through submitted documentation.~~

~~Receive a "Change of Sex Designation" (DR2083) form completed by a licensed treating medical or behavioral healthcare provider confirming the individual has received appropriate clinical treatment for their correct sex. The form must be signed and include the provider's license or certificate number and the issuing U.S. State/Foreign Country. A sex designation may only be amended one time upon the individual's request. -Any further sex designation changes require submission of a court order indicating that the sex designation change is required.~~

~~2.1.2~~

35.0 Sex Designation Changes Must Be Processed in Person

~~35.1~~ Requests for a change of sex designation must be processed in person, at a ~~Driver's Driver~~ License Office. Online renewal and renewal by mail cannot be used to change the sex designation on a Colorado driver license, identification card, or identification document.

46.0 No Surgery, Treatment, Clinical Care, or Behavioral Healthcare Requirements

~~46.1~~ Nothing in this rule ~~should be read to~~ require ~~sd~~ an individual to undergo any specific surgery, treatment, clinical care, or behavioral healthcare to change the sex designation on a Colorado driver license, identification card, or identification document.