

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

BASIS and PURPOSE

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

To conform with the law, the rule provides that Colorado driver licenses, identification cards, and identification documents will display one of three sex designations: female, male or X. The holder of an existing license, identification card, or identification document may amend the sex designation one time using a form created by the Department or an amended Colorado birth certificate issued pursuant to section 25-2-113.8, C.R.S. Customers under 18 years of age may amend the sex designation either by using the form with a medical statement or an amended Colorado birth certificate issued pursuant to section 25-2-113.8, C.R.S.

STATUTORY AUTHORITY

The rule is promulgated in compliance with section 24-4-103, C.R.S., and is authorized by the following statutory authorities: Section 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.

~~1.1~~ 1.0 Definitions

~~1.2~~ **1.1** Department – The Colorado Department of Revenue

~~1.3~~ **1.2** Driver License – A driver license, minor driver license, or instruction permit.

~~1.4~~ **1.3** Source Document – A document that is provided by an applicant to prove identity and/or lawful presence.

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 must choose the designation which accurately reflects the person's gender identity from the designations present on source documents.

4.0 **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), before amending the sex designation on a driver 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 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 that **the sex designation on the minor's birth certificate, driver license, identification card, and/or identification document does not align with the minor's gender identity** ~~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.

4.2 Note that, by law, 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.

~~5.0 Sex Designation Changes Must Be Processed in Person~~

~~5.1 Requests for a change of sex designation must be processed in person, at a 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.~~

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

~~6.1~~ **5.1** Nothing in this rule requires 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.