

SENATE BILL No. 74

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-24; IC 16-18-2-328.7; IC 16-37-2-1.5.

Synopsis: Gender on driver's licenses. Defines "gender" for purposes of the motor vehicle law. Defines "nonbinary designation" for purposes of the motor vehicle law. Defines "sex" for purposes of certificates of birth. Sets forth requirements to change the gender that appears on: (1) a driver's license; (2) a driver's permit; (3) an identification card; or (4) a photo exempt identification card. Prohibits: (1) a driver's license; (2) a driver's permit; (3) an identification card; or (4) a photo exempt identification card; from displaying a nonbinary designation. Specifies that certain credentials with a nonbinary designation are valid until their date of expiration. Requires a person to specify a gender when renewing a credential that previously displayed a nonbinary designation. Specifies that the presence of a nonbinary designation on a credential used to obtain: (1) a driver's license; (2) a driver's permit; (3) an identification card; or (4) a photo exempt identification card; does not abrogate certain prohibitions concerning the display of nonbinary designations.

Effective: July 1, 2020.

Tomes

January 9, 2020, read first time and referred to Committee on Public Policy.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 74

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-69.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 69.6. "Gender" means male or female.**
4 SECTION 2. IC 9-13-2-111.5 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2020]: **Sec. 111.5. "Nonbinary designation"**
7 **means any gender classification other than male or female.**
8 SECTION 3. IC 9-24-9-2.6 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2020]: **Sec. 2.6. (a) An applicant requesting to change the gender**
11 **appearing on the applicant's driver's license or permit shall**
12 **provide to the bureau documentary evidence of the applicant's**
13 **change in gender, including:**
14 (1) **a certified amended certificate of birth; or**
15 (2) **a physician's signed and dated statement that the applicant**
16 **successfully underwent all treatment necessary to**
17 **permanently change the applicant's gender.**



1 (b) Except as provided in subsection (c), a nonbinary
2 designation may not be permitted or displayed on a bureau issued
3 driver's license or permit. The presence of a nonbinary designation
4 on a document or credential used to obtain a driver's license or
5 permit does not abrogate the prohibition against nonbinary
6 designations described under this section.

7 (c) A valid, bureau issued driver's license or permit that:

8 (1) was issued before July 1, 2020; and

9 (2) displays a nonbinary designation;

10 shall remain valid until its date of expiration. A person who
11 possesses a driver's license or permit described under this
12 subsection must specify a gender when renewing a driver's license
13 or permit described under this subsection.

14 SECTION 4. IC 9-24-16-7.5 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2020]: Sec. 7.5. (a) An applicant requesting to change the gender
17 appearing on the applicant's identification card shall provide to the
18 bureau documentary evidence of the applicant's change in gender,
19 including:

20 (1) a certified amended certificate of birth; or

21 (2) a physician's signed and dated statement that the applicant
22 successfully underwent all treatment necessary to
23 permanently change the applicant's gender.

24 (b) Except as provided in subsection (c), a nonbinary
25 designation shall not be permitted or displayed on a bureau issued
26 identification card. The presence of a nonbinary designation on a
27 document or credential used to obtain an identification card does
28 not abrogate the prohibition against nonbinary designations
29 described under this section.

30 (c) A valid, bureau issued identification card that:

31 (1) was issued before July 1, 2020; and

32 (2) displays a nonbinary designation;

33 shall remain valid until its date of expiration. A person who
34 possesses an identification card described under this subsection
35 must specify a gender when renewing an identification card
36 described under this subsection.

37 SECTION 5. IC 9-24-16.5-6.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. (a) An applicant requesting
39 to change the gender appearing on the applicant's photo exempt
40 identification card shall provide to the bureau documentary
41 evidence of the applicant's change in gender, including:
42



- 1 (1) a certified amended certificate of birth; or
 2 (2) a physician's signed and dated statement that the applicant
 3 successfully underwent all treatment necessary to
 4 permanently change the applicant's gender.
- 5 (b) Except as provided in subsection (c), a nonbinary
 6 designation shall not be permitted or displayed on a bureau issued
 7 photo exempt identification card. The presence of a nonbinary
 8 designation on a document or credential used to obtain a photo
 9 exempt identification card does not abrogate the prohibition
 10 against nonbinary designations described under this section.
- 11 (c) A valid, bureau issued photo exempt identification card that:
 12 (1) was issued before July 1, 2020; and
 13 (2) displays a nonbinary designation;
 14 shall remain valid until its date of expiration. A person who
 15 possesses a photo exempt identification card described under this
 16 subsection must specify a gender when renewing a photo exempt
 17 identification card described under this subsection.
- 18 SECTION 6. IC 16-18-2-328.7 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2020]: **Sec. 328.7. "Sex", for purposes of**
 21 **IC 16-37-2, has the meaning set forth in IC 16-37-2-1.5.**
- 22 SECTION 7. IC 16-37-2-1.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2020]: **Sec. 1.5. As used in this chapter, "sex" means male or**
 25 **female.**

