

To: State Driver's License Examiners

From: Ted E. Smith, KDOR Staff Attorney

Date: May 10, 2011

Subject: Requests for Gender Reclassification on Kansas driver's licenses and identification cards

Method for Gender Reclassification based on Court Order

The Kansas Division of Vehicles (hereafter "Division") will rely upon a court order announcing a gender reclassification to support an applicant's requested gender change on a State-issued driver's license or identification card. The applicant must provide the examiner with an original order or file stamped photocopy of the order. The Division retains the right to retain the pleadings provided. It is not necessary that the Division be specifically named in the lawsuit or that the Division is specifically ordered to change the applicant's gender classification. If the court order of gender reclassification announces a new, full legal name for the applicant, the examiner may rely upon the order to modify the applicant's full legal name.

Method for Gender Reclassification based on Medical Declaration

The applicant is required to mail a written request to the Kansas Chief Driver's License Examiner, Division of Vehicles – Kansas Department of Revenue, Docking State Office Building, RM 130, 915 SW Harrison, Topeka, KS 66612

The request must include all of the following:

- 1) A letter from the applicant requesting the change in gender classification. The letter must include: the applicant's current full legal name, Kansas residential address, and gender classification shown on the applicant's current driver's license or identification card, as well as the name, residential address, and gender classification the applicant wants on the new driver's license or identification card. The applicant should also include the applicant's current phone number and email address, if any.
- 2) The applicant must also provide a letter on official letterhead from the applicant's licensed medical, osteopathic physician stating that applicant has undergone the appropriate clinical treatment for change of sex or that the physician has re-evaluated the applicant and determined that gender reclassification based on physical criteria is appropriate.
- 3) The applicant must provide a photocopy of the applicant's current Kansas driver's license or identification card.

If the Division approves the request, the applicant will receive a letter from Chief Driver's License Examiner authorizing the applicant's change of gender designation. After the applicant receives this authorization letter, the applicant may visit any Kansas driver's licensing exam station to update the applicant's records and get a new driver's license or identification card. The applicant must take all of the following to the exam station: the Division's authorization letter, the applicant's current driver's license/identification card, and the appropriate fee required by law to secure an original, renewal, or replacement driver's license.

Procedural Limitations on Considering Gender Classification Request

If the applicant wants to change the applicant's full legal name in the Division's record, the applicant must also include an original or certified copy of a court order of name change.

Please Note: the simple production of medical records will not suffice to justify gender reclassification. The Division requires an emphatic declaration or finding of gender classification by the applicant's attending physician - this declaration or finding need not be specifically directed to the Kansas Division of Vehicles.

Medical information provided to the DMV will be held in strictest confidence per K.S.A. 2010 Supp. 45-221(a)(1), and the Federal Driver's Privacy Protection Act, section 2721 *et seq.*

Historical Gender Classification

If the applicant has had a prior gender classification change on the applicant's driver's license or identification card, using a letter from your physician or mental health care provider, court order, or other declaration, such applicant is grandfathered and no further action is necessary to maintain the current gender classification on the Kansas driver's license or identification card.