

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 2.0 – Driver Licenses and Identification Cards

This proposed action amends the requirement that an applicant appear in person at a field office to submit a Gender Category Request, form DL 329S, in order to change their gender category on a previously-issued federal non-compliant driver's license or identification card. The department has made significant upgrades to allow for several transactions to be facilitated online using the department's online verification processes. This proposed action will allow customers an alternative, convenient method by which to change the gender category on their driver's license or identification card.

The department currently issues driver's licenses and identification cards that do not comply with the REAL ID requirements. Vehicle Code section 12801.5 establishes the requirements for driver's licenses and identification cards that do not comply with the REAL ID requirements. Vehicle Code section 12801.9 establishes the requirements for applicants who are unable to provide proof of legal presence, also known as AB 60 driver's licenses. Only applicants holding driver's licenses and identification cards issued under Vehicle Code section 12801.5 and driver's licenses issued under Vehicle Code section 12801.9 are authorized to submit their gender category change electronically.

§20.05. Gender Categories.

The purpose of Section 20.05 is to identify the process by which an applicant can change the gender category identified on their driver's license or identification card. Currently, the options are male (M), female (F), or nonbinary (X). Section 20.05 requires an applicant to facilitate a gender category change by completing a Gender Category Request, form DL 329S, and submitting the form to a field office. This proposed action modifies the gender category change process by eliminating the form DL 329S.

The department proposes to adopt subsection (a) requiring the applicant to self-certify their chosen gender using the driver's license application. This new process will allow an applicant to submit the gender change online rather than having to visit a field office. When creating an online account, the applicant must complete an identity management segment that requires information that only the actual cardholder will have. Once the online account is created, an applicant will submit the gender category change using the driver's license and identification card application in the department's online portal. The information solicited from the applicant is consistent with the information contained on the form DL 329S including the name, date of birth, driver's license or identification card number, address, and an indication of the preferred gender category. The applicant's information will be verified and then the gender change request is accepted. This online verification process makes it unnecessary for the applicant to submit a form in person at a field office. This provision is necessary as it allows applicants a

more convenient method by which to change the gender reflected on their driver's license or identification card.

Subsection (a)(1) is adopted to make clear that an applicant who holds a REAL ID driver's license or identification is required to complete the transaction in person. The applicant can provide their information through the department's portal, however, the transaction will not be complete until they appear in person at either a department field office or with an approved business partner. This provision is necessary to ensure compliance with federal rules requiring a substantive change to a REAL ID to be completed in person.

DEPARTMENTAL DOCUMENTATION SUPPORTING GOVERNMENT CODE SECTIONS 11346.2(b)(3) THROUGH (b)(S)

Studies, Reports or Documents - Gov. Code Sec. 11346.2(b)(3)

- No studies, reports or other documents were relied upon.

Reasonable Alternatives and Department's Response - Gov. Code Sec. 11346.2(b)(4)(A)

- No alternatives have yet been presented that would be as effective.

Reasonable Alternatives That Would Lessen Any Adverse Impact on Small Businesses - Gov. Code Sec. 11346.2(b)(4)(B)

- No alternatives have yet been presented that would lessen any adverse impact on small businesses.

Evidence Supporting Determination of No Significant Adverse Economic Impact on Business - Gov. Code Sec. 11346.2(b)(5)

- This regulation will not have an adverse economic impact on businesses. This proposed action only impacts driver's license and identification card holders.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

Cost or Savings to Any State Agency

- None

Other Non-Discretionary Cost or Savings to Local Agencies

- None

Costs or Savings in Federal Funding to the State

- None

Cost Impact on Representative Private Persons or Businesses

- This action does not impose any cost on businesses. Applicants changing their gender category will be required to pay applicable fees related to obtaining another driver's license or identification card. This proposed action does not impact current fees.

Effect on Housing Costs

- None

Local Agency/School District Mandates

- The proposed regulatory action will not impose any costs on local agencies or school districts that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Small Business Impact

- This proposed action has no impact on small businesses.

Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states

- This regulation will not have an adverse economic impact on businesses. This proposed action implements a process for driver's license and identification card holders.

ECONOMIC IMPACT ANALYSIS (Government Code Section 11346.3(b))

The department has made the following determination related to this proposed regulatory action:

- Creation or Elimination of Jobs Within the State of California

This action will not create or eliminate jobs within California. The proposed rule impacts individuals who are requesting to change the gender category identified on their non-REAL ID-compliant driver's license or identification card.

- Creation or Elimination of Businesses Within the State of California

This action will not create or eliminate businesses within California. The proposed rule impacts individuals who are requesting to change the gender category identified on their non-REAL ID-compliant driver's license or identification card.

- Expansion of Businesses Currently Doing Business Within the State of California

This action will not expand businesses currently doing business in California. The proposed rule impacts individuals who are requesting to change the gender category identified on their non-REAL ID-compliant driver's license or identification card.

- Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

This proposed action is unlikely to benefit worker safety or the state's environment. This action may benefit the public by providing an alternative service method for applicants requesting to change the gender category designation on their driver's license or identification card.