

REFERENCE TITLE: driver licenses; gender selection

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

## **HB 2492**

Introduced by  
Representatives Clark: Alston, Andrade, Benally, Bolding, Butler,  
Cardenas, Chávez, Descheenie, Engel, Epstein, Espinoza, Fernandez,  
Friese, Gabaldón, Gonzales, Hernandez, Martinez, Navarrete, Peten,  
Powers Hannley, Rios, Saldate

AN ACT

AMENDING SECTIONS 28-3158 AND 28-3166, ARIZONA REVISED STATUTES; RELATING  
TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3158, Arizona Revised Statutes, is amended to  
3 read:

4 28-3158. Driver license or instruction permit application

5 A. A person who applies for an instruction permit or for a driver  
6 license shall use a form furnished by the department.

7 B. An applicant shall pay the fee prescribed by section 28-3002 for  
8 a driver license or for an instruction permit issued under section  
9 28-3154, 28-3155, 28-3156 or 28-3225. Payment of the fee required by this  
10 section entitles the applicant to not more than three attempts to pass the  
11 written examination or road test within twelve months from the date of the  
12 application. The department shall refund an application fee pursuant to  
13 section 28-373.

14 C. An applicant for an instruction permit or a driver license shall  
15 give the department satisfactory proof of the applicant's full legal name,  
16 date of birth, ~~sex~~ GENDER and residence address and that the applicant's  
17 presence in the United States is authorized under federal law. FOR THE  
18 PURPOSES OF THIS SUBSECTION, IF THE APPLICANT CHOOSES THE APPLICANT'S  
19 GENDER AS NONBINARY, AN AFFIDAVIT THAT STATES THAT THE APPLICANT  
20 IDENTIFIES AS GENDER NONBINARY AND THAT THE APPLICANT SIGNS AND SUBMITS TO  
21 THE DEPARTMENT IS SATISFACTORY PROOF OF THE APPLICANT'S GENDER.

22 D. The application for an instruction permit or a driver license  
23 shall state the following:

24 1. A brief description of the applicant and any other identifying  
25 information required by the department.

26 2. Whether the applicant has been licensed, and if so, the type of  
27 license issued, when the license was issued and what state or country  
28 issued the license.

29 3. Whether the license was suspended or revoked or whether an  
30 application was ever refused, and if so, the date of and reason for the  
31 suspension, revocation or refusal.

32 4. If the applicant was never licensed, the applicant's last  
33 previous state or country of residence.

34 5. The social security number of the applicant.

35 E. The department shall:

36 1. Verify that a social security number provided by an applicant is  
37 a valid number assigned to that applicant.

38 2. Retain the social security number in its records.

39 F. The social security number provided to the department pursuant  
40 to subsection D of this section for an applicant's driver license or  
41 instruction permit shall not appear on an applicant's driver license or  
42 instruction permit unless the applicant requests that the social security  
43 number appear on the applicant's driver license or instruction permit as  
44 the driver license or instruction permit number. Except as provided in  
45 sections 28-455 and 41-1954, the department shall not release the social

1 security number to any person unless the applicant requests that the  
2 social security number appear on the applicant's driver license or  
3 instruction permit as the driver license or instruction permit number.  
4 The provisions of this subsection shall be included in each application.

5 G. The department may adopt and implement procedures to deny a  
6 driver license or instruction permit to a person who has been deported.  
7 The department may adopt and implement procedures to reinstate a person's  
8 privilege to apply for a driver license or permit if the person's legal  
9 presence status is restored.

10 H. On request of an applicant, the department shall allow the  
11 applicant to provide on the license or permit a post office box address  
12 that is regularly used by the applicant.

13 I. The department may request an applicant who appears in person  
14 for a license, a duplicate license or reinstatement of a driving privilege  
15 to complete satisfactorily the vision screening prescribed by the  
16 department.

17 J. If a driver license applicant submits satisfactory proof to the  
18 department that the applicant is a veteran, on request of the applicant,  
19 the department shall allow a distinguishing mark to appear on the license  
20 that identifies the person as a veteran.

21 Sec. 2. Section 28-3166, Arizona Revised Statutes, is amended to  
22 read:

23 28-3166. Driver license content and application; marked  
24 licenses; emancipated minors

25 A. The department shall issue a driver license to a qualified  
26 applicant. The driver license shall contain a distinguishing number  
27 assigned to the licensee, the license class, any endorsements, the  
28 licensee's full name, date of birth and residence address, a brief  
29 description of the licensee, **INCLUDING THE LICENSEE'S SELECTED GENDER OF**  
30 **FEMALE, MALE OR NONBINARY**, and either a facsimile of the signature of the  
31 licensee or a space on which the licensee is required to write the  
32 licensee's usual signature with pen and ink. A driver license is not  
33 valid until it is signed by the licensee. On request of an applicant:

34 1. The department shall allow the applicant to provide on the  
35 driver license a post office box address that is regularly used by the  
36 applicant and that is located in the county in which the applicant  
37 resides.

38 2. If the applicant submits satisfactory proof to the department  
39 that the applicant is a veteran, the department shall allow a  
40 distinguishing mark to appear on the license that identifies the person as  
41 a veteran.

42 B. An application for a driver license and the driver license  
43 issued shall contain the photo image of the applicant or licensee. The  
44 department shall use a process in the issuance of driver licenses that  
45 prohibits as nearly as possible the ability to alter or reproduce the

1 license or that prohibits the ability to superimpose a photo image on the  
2 license without ready detection. The department shall process driver  
3 licenses and photo images in color. This subsection does not apply to a  
4 driver license that is renewed by mail pursuant to section 28-3172.

5 C. An applicant who is **AT LEAST** sixteen ~~or older~~ but under  
6 twenty-four years of age shall provide the department with satisfactory  
7 proof of the applicant's legal name and date of birth.

8 D. If a person is qualified for a driver license and is under the  
9 legal drinking age, the department shall issue a license that is marked by  
10 color, code or design to immediately distinguish it from a license issued  
11 to a person of legal drinking age. The department shall indicate on the  
12 driver license issued pursuant to this subsection the year in which the  
13 person will attain the legal drinking age.

14 E. The department shall mark a special ignition interlock  
15 restricted driver license issued pursuant to chapter 4, article 3.1 of  
16 this title by color, code or design to immediately distinguish it from  
17 other licenses issued by the department.

18 F. If a person is qualified for a driver license but is subject to  
19 the certified ignition interlock device limitations prescribed in section  
20 28-1381, 28-1382, 28-1383 or 28-3319, the department shall issue a license  
21 that is marked by color, code or design to immediately distinguish it from  
22 other licenses issued by the department.

23 G. The department shall not include information in the magnetic  
24 stripe and bar code of a driver license other than information that the  
25 department is authorized to obtain and place on a driver license pursuant  
26 to this article.

27 H. If a minor has been emancipated pursuant to title 12, chapter  
28 15, on application and proof of emancipation, the department shall issue a  
29 driver license that contains the words "emancipated minor".