

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 196 (Senator Smith, *et al.*)
 Judicial Proceedings

**Vehicle Laws - Licenses, Identification Cards, and Moped Operator's Permits -
 Indication of Applicant's Sex**

This bill requires that an application for a license, identification card, or moped operator’s permit allow an applicant to identify as (1) female; (2) male; or (3) unspecified. If an applicant identifies as an unspecified sex in the application, the Motor Vehicle Administration (MVA) must ensure that the license, identification card, or moped operator’s permit displays an “X” in the appropriate location. The bill prohibits MVA from (1) requiring an applicant to provide proof of the applicant’s sex or (2) denying an application because the sex selected by the applicant does not match the sex displayed on another document associated with the applicant.

Fiscal Summary

State Effect: General fund and Transportation Trust Fund (TTF) expenditures increase by \$157,800 and \$220,500, respectively, in FY 2020 for reprogramming changes. TTF revenues are likely not materially affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	157,800	0	0	0	0
SF Expenditure	220,500	0	0	0	0
Net Effect	(\$378,300)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local law enforcement activities are not materially affected.

Small Business Effect: None.

Analysis

Current Law/Background: The Maryland Vehicle Law does not explicitly require an applicant for a driver's license, identification card, or moped operator's permit to select a specific gender in an application. However, MVA applications for those credentials require an applicant to choose between one of the two options.

MVA does, however, allow a change of gender designation on a driver's license, learner's permit, or identification card. The change must be made in person, and an applicant must present one of the following documents when making the request:

- court order showing requested gender designation (original or certified copy);
- federal/state-issued identification showing requested gender designation;
- birth certificate showing requested gender designation; or
- an authorized letter obtained from MVA's Driver Wellness and Safety Division.

MVA takes a new photograph and charges a fee each time a correction or change is made that requires a new license, permit, or identification card to be issued.

Recent Actions in Other Jurisdictions

Several states, including California, Colorado, Minnesota, Maine, Oregon, and the District of Columbia, have all recently authorized the designation of an unspecified ("X") gender on driver's licenses and identification cards.

State Fiscal Effect: TTF expenditures increase by \$220,500 in fiscal 2020 for MVA to contract with an outside vendor for reprogramming changes to modify the driver's license system, user interface, database tables, stored procedures, etc. Internal reprogramming changes can be absorbed within existing budgeted resources.

TTF revenues may be affected to the extent that individuals with existing licenses request new licenses. The fee for making a correction to a driver's license is \$20. To the extent that individuals request new licenses as a result of the bill, TTF revenues increase. However, the number of individuals expected to request the new designation is minimal. Thus, TTF revenues are likely not materially affected by the bill.

The Administrative Office of the Courts also advises that reprogramming changes are required in order to allow its systems to accept a new gender designation. In fiscal 2020 only, general fund expenditures increase by \$157,832 for that purpose.

Additional Information

Prior Introductions: HB 13 of 2018 was heard in the House Environment and Transportation Committee and subsequently was withdrawn.

Cross File: HB 421 (Delegate Love, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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