

Gender X Designation on DLs and ID Cards Q & A

Why is DOL adding the “X” gender designation to driver licenses, instruction permits, and ID cards?

DOL is proposing a rule change to offer “X” as a third gender option on driver’s license, instruction permit, or ID card. The X gender designation means a gender that is not exclusively male or female. This option allows persons to have a state-issued identification that aligns with their gender identity and the gender designation on their birth certificate.

This change is consistent with the Department of Licensing’s purpose to serve every Washington resident. A driver license or state-issued ID card is a resident’s primary identification document. Identity is a fundamental human right. By acknowledging there are more than two gender identities, we are acknowledging basic human rights.

What are the next steps for the proposed rule change?

Public hearings will be held in Seattle, Olympia, and Spokane on August 12, 13, and 15. These hearings provide an opportunity for feedback on the proposed rule language.

Persons can also submit written comments through [email](#), U.S. mail (PO Box 9020, Olympia, WA 98507) or the [Rulemaking comment form: Chapter 308-104 WAC: Drivers' Licenses](#). Comments will be accepted until August 15, 2019.

We expect to finalize the rule change in September and implement it as soon as October.

Public Hearing Dates

August 12, 2019	5 p.m.	Seattle Public Library 1000 4 th Avenue Seattle, WA 98104
August 13, 2019	5 p.m.	Washington State Capitol Columbia Room 416 Sid Snyder Avenue SW Olympia, WA 98504
August 15, 2019	4 p.m.	Spokane Public Library 3324 South Perry Street Spokane, WA 99203

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How did the rule-making process begin?

- In November 2018, DOL accepted a rulemaking request to allow for a nonbinary gender designation on driver licenses, instruction permits, and ID cards.
- In December 2018, DOL filed with the State Code Reviser its intent to propose rule change to allow for an “X” designation.
- In June 2019, DOL held listening sessions in Seattle and Spokane to gather community feedback.
- DOL filed a CR-102 form on July 2, 2019 providing proposed revised rule language.
- DOL will hold public hearings will in August. If DOL adopts the rules as proposed, they will go into effect in September and be implemented as early as October.

Will this change affect the validity of REAL ID documents?

Adding an “X” gender designation won’t affect the validity of identification used to comply with the REAL ID Act when enforcement begins Oct. 1, 2020. Federal regulations allow nonbinary gender designations on REAL ID-compliant documents.

Do other states have a gender “X” designation on their driver licenses?

As of Aug. 1, 2019, 16 other states offer a gender “X” marking.

The Department of Health now allows “X” gender designations on birth certificates.

Since January 2018, the Washington State Department of Health has allowed a nonbinary gender designation on birth certificates. People can contact [DOH](#) and complete a Sex Designation Change request form.