

**RESPONSE TO COMMENTS**  
***LSA Document # 19-486***

The BMV Commissioner and other relevant internal stakeholders have reviewed all comments received for LSA Document # 19-486. This includes written comments received via mail, email, and in-person, and verbal comments provided at the public hearing held November 25, 2019. The BMV Commissioner was in attendance at the November 25, 2019 public hearing. In addition, prior to the publishing of the Proposed Rule the BMV Commissioner met with representatives from Indiana Legal Services to discuss the proposed amendments. Due and full consideration was given to all comments received, other states' practices, the universal application of the rule to all Hoosiers, statutory authority, and best data practices.

The BMV has allowed for gender amendments since 2009. Under the current process, it is possible for a person to maintain a gender marker with the BMV that is different than what is provided for on their birth certificate. The proposed amendment will ensure there is uniformity among state identification records maintained by the Indiana State Department of Health (ISDH) and BMV. This proposed rule specifically addresses process; gender marker types are not within the scope of this rule.

The process to amend one's gender marker in large part will remain the same. The most notable change is ISDH will now be the starting point for any person seeking to change their gender. Once an individual obtains an amended birth certificate or written confirmation from ISDH, the document must be brought to the BMV to amend their gender. As with the current process, the rule is applicable to all Hoosiers and applies to any gender amendments.

A copy of all written comments and a transcript of all verbal comments are available on the Indiana Bureau of Motor Vehicle's Rulemaking Docket found at <https://www.in.gov/bmv/2648.htm>

In summary, comments in support of the proposal included reasoning such as:

- the proposed amendments allow individuals to change their gender across multiple agencies at one time
- the proposed amendments reduce stress for the persons obtaining the driver's license or identification card
- the proposed amendments protect citizens from unwanted attention when their presentation does not necessarily match the information on their cards, possibly keeping those individuals from physical and/or verbal abuse
- the high rates of suicide among trans and non-binary people decrease when they are accepted for who they are, and the proposed amendments could be yet another chance for them to find validation.
- the proposed amendments reduce misconceptions of officials viewing driver's licenses and identification cards for applicable individuals
- the proposed amendments help better identify individuals during emergencies

In summary, comments in opposition of the proposal included reasoning such as:

- the proposed amendments will subject transgender Hoosiers to increased threats of violence and discrimination
- the proposed amendments will make it more difficult for transgender Hoosiers to change their gender markers
- the rule change only applies to a small minority of individuals, and thus taxpayer dollars should not be spent amending the rule
- the rule itself targets transgender people

- there being only two biological sexes fixed at conception, and therefore a gender change should not be an option
- one's sex cannot truly be changed by synthetic chemicals and disfiguring surgeries, because chromosomes determine sex at the time of conception,
- driver's licenses are not supposed to be political statements about lifestyle choices
- emergency medical and law enforcement personnel need to know an individual's biological binary sex at birth to perform their duty in the event of an accident, and a gender change would impede such personnel's job responsibilities
- individuals with a gender change would be providing false data to the BMV and State as the revised marker is not an individual's biological binary sex at birth, which would compromise the integrity of Indiana credentials
- the form to change one's gender has no guidelines for what steps an individual took to have a gender change, it is merely a doctor's signature

Verbal comment(s) to LSA Document #19-486 were given at the public hearing on November 25, 2019 by the following individuals:

- John Aukerman
- Michael Morris
- Micah Clark
- Ryan McCann
- Heidi Pezdek
- Megan Stuart

Written comments to LSA Document #19-486 were submitted to the BMV by the individuals listed below:

- |                       |                      |                       |
|-----------------------|----------------------|-----------------------|
| • Brad Gilchrist      | • Phil Culp          | • Tom Sullivan        |
| • Kevin Bowditch      | • Steve Nevins       | • William Morgan      |
| • Patricia Appel      | • Vivian Himelick    | • Mike Campbell       |
| • Thomas J Leland     | • Bob Palma          | • MKMoore             |
| • paulastreeting7478  | • Mike Fulks         | • Stacy Wallace       |
| • Keith Hoffman       | • Diana Bowman       | • Kris Ziegelhofer    |
| • Sherri L. Weilbaker | • Sonja Greiwe       | • Rev. Robert Lorimer |
| • Mike Mitchell       | • Russ Mounsey       | • Kirk Booher         |
| • Frances Foskey      | • Mizbee - Gwyn      | • pstreby             |
| • John Aukerman       | • Borcharding        | • Hannah Cline        |
| • Agnes Kerr          | • Joe Shoemaker      | • Vicki Breivogel     |
| • Stephanie Blair     | • Donald L. Taylor   | • Janis and Eric      |
| • Paul H Van          | • Donald             | • Berger              |
| • Dokkenburg          | • Ruth Nutty         | • skyking49           |
| • F. Alan Starr       | • Elizabeth McKee    | • Tom Hughes          |
| • Tim Bucher          | • Colleen Monson     | • Linda Colbart       |
| • Tim Schrank         | • Sally and Lindon   | • Lisa M Gaddis       |
| • Patty Jackson       | • Kegley             | • Don                 |
| • Dacia Reid          | • Boyd Nightenhelser | • Martin Steury       |
| • Ed Probst           | • Hank Caskey        | • Daryl and Marion    |
| • John T Belt         | • Joanne Randall     | • Halverson           |
| • Debbie K Woolsey    | • Tim Sauder         |                       |

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- Dani Tippmann
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- markwardbopp1
- jadh05
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