

SB244 Driver's License Gender Must Match Birth Gender/Public Restroom Use by Birth Gender

Updated March 21, 2026

[LINK TO THE ENROLLED BILL](#)

[LINK TO LEGISLATIVE BILL BRIEF](#)

SB244 was vetoed by the Governor and the veto was overridden. The bill became effective when it was published in the Kansas Register on February 26, 2026. A challenge to the constitutionality of the new law was filed in Douglas County District Court that included a request to issue a temporary injunction against implementation until the trial on the constitutionality challenge was resolved. The court denied that request. While all of this was going on, the Attorney General agreed not to enforce the new law until March 26, 2026.

The bill includes two very different application of the new gender designation requirements: 1) Driver's licenses and ID Cards issued by the state must show the person's gender at birth; and 2) a person can only use a public restroom in a government facility for the birth gender of the individual.

The Restroom Issue

The Kansas Association of Counties published a document on the government facility restroom issue that you can download at:

[County Implementation Guidance on SB 244 - Kansas Association of Counties](#)

KEY POINTS FOR LAW ENFORCEMENT:

1. The law only applies to public restrooms in government facilities and only to restrooms designed for multiple people to use it at the same time. It does not apply to a "family" or "unisex" restroom or a restroom designed for a single person to use it. It also doesn't apply to a single occupancy changing room.
2. There are several exceptions to the law, including: ● Custodial reasons; ● Maintenance or inspection purposes; ● **To render medical or other emergency assistance**; ● To accompany and provide assistance to an individual who needs assistance using the facility; ● **For law enforcement purposes**; ● **To render assistance necessary in preventing a serious threat to proper order or safety**; ● To provide coaching or athletic training during athletic events, provided such individual is a member of the coaching or athletic training staff and such individual ensures that no individual of the opposite sex is in a state of undress prior to entering such multiple-occupancy private space; or ● For a child who is under 9 years of age if accompanied by an individual caring for such child.
3. The bill assigns the responsibility of receiving and investigating the complaint of an individual violating the law to the governing body or chief administrative officer with governmental control over the building. Upon receipt of the complaint that an individual violated the provisions of the bill, the entity's governing body or chief administrative officer is required to investigate the allegations and, upon finding that the violation occurred, the bill would require written notice of such violation be provided to that individual. **NOTE:** I believe we can all guess who the governing body or chief administrative officer will likely assign those duties to.

4. The first violation can result in a \$1,000 civil penalty to the person violating the law by entering a restroom designated for the opposite sex of the person in violation. The bill also makes it a Class B misdemeanor for the second or subsequent violation.
5. The bill requires complaints of violations against a governing body for lack of enforcement to be filed with the Attorney General and designates an investigation would be conducted by the Attorney General.
6. For a violation by the governing entity occurring in a state building, the Attorney General would be authorized to bring an action to assess the penalty. For a violation by the government entity occurring in a municipal building, the county or district attorney for the county where the violation occurred would be authorized to bring an action to assess the penalty.

The Driver's License Issue

KEY POINTS:

- There is no criminal violation until the Division of Vehicles places the “OTHER-NOT VALID” status on the license record.
- Once a driver's license is officially noted in the Division of Vehicle records as "OTHER-NOT VALID" a person driving a motor vehicle may be cited under K.S.A. 8-235.
- It is not a law enforcement function to determine whether the proper gender is on the driver's license for the purposes of discovering a violation. The responsibility of the determination is placed on the Division of Vehicles. Even if you were to determine the gender is incorrect on the license, it is not a crime until the license status is changed by the Division of Vehicles. But such determination should lead you to run the license to check current license status.

A violation of law does not appear to occur until the Kansas Department of Revenue, Division of Vehicles, has officially “invalidated” a person's driver's license. When they take that action, the status will be shown as “OTHER-NOT VALID” when you run the license in the computer. Note that status is not shown on state ID cards.

The statute should not result in anyone's driver's license being "invalidated" until March 26 by agreement by the Attorney General during a court hearing in Douglas County.

If KDOR moves forward with “invalidating” the driver's license, the status of the license will be changed to “**OTHER – NOT VALID.**” Because Identification Cards don't have a status, you may not see OTHER-NOT VALID reflected in KCS/KDQ returns. I am not aware of a law violation for displaying an "invalid" state identification card.

Once a driver's license is officially noted in the Division of Vehicle records as "OTHER-NOT VALID" a person driving a motor vehicle may be cited under K.S.A. 8-235.

THE COURT CASE

SB 244 constitutional challenge (Douglas County)

Case: *Daniel Doe and Matthew Moe v. State of Kansas, ex rel. Kris Kobach, et al.*

Court: Douglas County District Court (7th Judicial District)

Case No.: DG-2026-CV-000112

Judge: James R. McCabria

1. Case filing

- The lawsuit was filed February 27, 2026.
- The suit seeks to declare SB 244 unconstitutional under the Kansas Constitution.

2. Immediate relief requested

The plaintiffs filed a motion for a Temporary Restraining Order (TRO) and temporary injunction to block enforcement of the law while the case proceeds. The Court has denied this request. Further court actions could halt implementation and enforcement. So watch for updates.

Disclaimer: I am not an attorney, so what I am providing is not a legal opinion or advice. I encourage you to reach out to your local prosecutors for their interpretation of the law and guidance on this matter.

Ed Klumpp