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CLERK OF THE SHAWNEE COUNTY DISTRICT COURT
CASE NUMBER: SN-2023-CV-000422
PII COMPLIANT



Court: Shawnee County District Court
Case Number: SN-2023-CV-000422
Case Title: State of Kansas
vs.
David Harper Director of Vehicles, et al
Type: TEMPORARY RESTRAINING ORDER

SO ORDERED.

A handwritten signature in black ink, appearing to read "T. Watson", is written over a large, stylized circular flourish.

/s/ Honorable Teresa L Watson, District Court Judge

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
DIVISION THREE**

STATE OF KANSAS, *ex rel.*
KRIS KOBACH, Attorney General,

Petitioner

Case No. SN-2023-CV-422

vs.

DAVID HARPER, Director of Vehicles,
Department of Revenue, in his official capacity, and
MARK BURGHART, Secretary of Revenue,
in his official capacity,

Respondents

TEMPORARY RESTRAINING ORDER

The State of Kansas, *ex rel.* Kris Kobach, Attorney General, filed a Petition for Mandamus and Injunctive Relief relating to Senate Bill 180, recently enacted by the Kansas Legislature. SB 180 is also known as the Women’s Bill of Rights. Along with the Petition, he filed a Motion for Temporary Restraining Order and Temporary Injunction and an Affidavit. The Court, pursuant to K.S.A. 60-903, has considered these documents and grants the Attorney General’s request for a temporary restraining order.

SB 180 was adopted over the Governor’s veto and became law on July 1, 2023. Section 1(a) dictates that “with respect to the application of an individual’s biological sex pursuant to any state law or rules and regulations,” an individual’s sex means “biological sex, either male or female, at birth,” and defines male and female. Section 1(c) says “any state agency, department or

office . . . that collects vital statistics for the purpose of gathering accurate . . . data shall identify each individual who is part of the collected data set as either male or female at birth.”

The Attorney General asserts that the Kansas Department of Revenue’s Division of Vehicles (“Division”) collects information about the sex of each person who applies for a driver’s license. K.S.A. 8-243(a) states that a driver’s license must indicate, among other things, the licensee’s “gender.” This information is displayed on the license under the heading “sex” and is retained in an agency database. Further, the Division has in the past allowed applicants to obtain and/or change a license to include identifying information for sex other than “biological sex, either male or female, at birth.” This practice has not ceased with the passage of SB 180.

The Attorney General asserts that the Division’s actions in allowing applicants to obtain and/or change a license to include identifying information for sex other than “biological sex, either male or female, at birth” on and after the effective date of SB 180 is a violation of law. The Attorney General filed his Petition for Mandamus and Injunctive Relief against the named Respondents to obtain the Division’s compliance with SB 180.

K.S.A. 60-903(a) allows the Court to issue a temporary restraining order without notice or bond to the adverse party or its attorneys if specific facts show that immediate and irreparable injury, loss, or damage will result before the adverse party can be heard in opposition. The Attorney General points out that driver’s licenses are issued for a period of six years and are difficult to take back or out of circulation once issued. Licenses are used by law enforcement to identify criminal suspects, crime victims, wanted persons, missing persons, and others. Compliance with stated legal requirements for identifying license holders is a public safety concern. Allowing Respondents to issue non-compliant driver’s licenses pending a court hearing is an immediate and irreparable

injury that supports the grant of a temporary restraining order on the terms requested by the Attorney General.

The Court orders Respondents, pending further order of the Court, to comply with the provisions of SB 180 as follows:

1. Respondents and those under their direction shall immediately cease and desist from processing any requests by driver's licensees or driver's license applicants to change or display their sex in a manner that does not reflect their biological sex as defined by SB 180.
2. Respondents shall take all actions necessary to ensure that any newly issued or reissued driver's licenses reflect the licensee's biological sex as defined by SB 180.

This order is effective on the date and time shown on the electronic file stamp. It remains in effect for 14 days or until sooner modified or vacated by the Court, absent an extension by Court order or agreement of the parties. K.S.A. 60-903(b). Respondents will be served a copy of this order forthwith in the manner prescribed for personal service of a summons. K.S.A. 60-903(d).

IT IS SO ORDERED.

HON. TERESA L. WATSON
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above document was filed electronically providing notice to counsel of record. It was also ordered by the Court to be personally served on Respondents.

/s Angela Cox
Administrative Assistant