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Transgender teen can wear makeup in South Carolina DMV photo, settlement says

By **JAMES QUEALLY**

APRIL 22, 2015, 5:44 AM

South Carolina's Department of Motor Vehicles will allow a transgender teenager to wear makeup and women's clothing for her driver's license photo, rather than requiring her to dress like a boy, because of a legal settlement that will be announced Wednesday morning.

Chase Culpepper, 17, contended in a federal lawsuit that DMV officials had violated her constitutional rights last year by refusing to allow her to have her photo taken as she usually appears.

Under the settlement's terms, the DMV will revise its policy on photo credentials and train its employees in the proper treatment of “transgender and gender-nonconforming individuals,” court records show.

“I am thrilled with the outcome of my lawsuit,” Chase said in a statement. “My clothing and makeup reflect who I am. From Day 1, all I wanted was to get a driver’s license that looks like me. Now I will be able to do that. It was hurtful to be singled out for being transgender and made to feel that somehow I wasn’t good enough.”

A DMV spokeswoman refused to discuss the case Tuesday, saying the agency does not comment on pending litigation.

Chase, who previously identified as male but now identifies as female, was **ordered** to remove her makeup under a DMV policy that barred applicants from dressing in a way that might disguise their appearance.

The new policy, which takes effect in May, will make clear that a person is not misrepresenting his or her identity “when the applicant’s makeup, clothing or accessories do not match traditional expectations.”

Chase will get a new driver’s license photo, dressed as a girl, once the revised policy takes effect.

Kevin Shwedo, executive director of the state DMV, has apologized to Chase and her mother as part of the settlement, one of Chase's representatives said.

l, executive director of the New York-based Transgender Legal Defense and Education Fund, which represented Chase, said he hoped the settlement would lead other DMV agencies to change their policies.

Details of Chase's case became public last year, Silverman said his agency received many complaints from transgender men and women in other states.

SEARCH

DMV is negotiating with the West Virginia DMV after three transgender women sued to remove wigs and fake eyelashes when having their driver's license photos taken.

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DMV agencies with similar policies should take a cue from the U.S. State Department, which says that photographs of passport applicants mirror their everyday appearance, and that they should meet societal expectations.

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Motor vehicles and other government agencies cannot restrict the freedom of expression, “The right to look like their true selves,” Silverman told The Los Angeles Times.

Chase Culpepper suit, the first to challenge such photo policies in the U.S., on behalf of transgender men and women nationwide who find themselves in similar situations.

“I want to be able to get a driver’s license without being subjected to sex discrimination,” said Chase’s attorney with the Transgender Legal Defense and Education Fund. “The policy that the DMV will implement in response to Chase’s lawsuit will help all transgender-nonconforming South Carolina residents in the future.”

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DMV decided to include Culpepper's current age. She was 16 when DMV officials first asked her to have her photo taken as she wished.

4/22/2015

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