



January 3, 2023

To: All insurers licensed to write motor vehicle insurance in Virginia; property and casualty interested parties; and all licensed rate service organizations

Re: Non-binary gender identity in rating motor vehicle insurance

Effective July 1, 2020, § 46.2-323 of the Code of Virginia (Code) was changed to allow individuals to choose a non-binary (gender-neutral) designation for their driver privilege cards.

For regulated entities using gender in rating, this statutory change creates the need to accommodate the non-binary gender designation in their filed manual of rates and rating rules.

In addition, § 38.2-2213 of the Code prohibits insurers from refusing to issue coverage based on gender identity, which would include a denial of coverage for an individual that identifies as non-binary, even if the insurer has not made the necessary filings to specifically accommodate such individuals in rating.

Refer any questions to the Bureau's Property & Casualty Division:

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