

28 Section 1. Section **41-1a-411** is amended to read:

29 **41-1a-411. Application for personalized plates -- Refusal authorized.**

30 (1) As used in this section:

31 (a) (i) "Indecent" or "indecenty" means a statement or use of innuendo, euphemism, or  
32 double-entendre that:

33 (A) depicts or describes sexual or eliminatory activities or organs; and

34 (B) is patently offensive or appears to pander or is used to titillate or shock.

35 (ii) "Indecent" includes terms that describe or connote breasts, genitalia, pubic area, or  
36 buttocks.

37 (iii) "Indecent" does not include the use of the number "69" if the number "69" is used  
38 in a combination with the vehicle make, model, style, or type, or commonly used or readily  
39 understood abbreviations of those terms.

40 (b) "Obscene" or "obscenity" means a statement that:

41 (i) appeals to sexual or lustful ideas or desires; or

42 (ii) describes sexual conduct.

43 (c) (i) "Profane" or "profanity" means a statement that is vulgar, coarse, or irreverent.

44 (ii) "Profane" or "profanity" includes:

45 (A) any personally reviling epithet ~~H→~~ or slur ~~←H~~ that naturally provokes a violent  
45a resentment; or

46 (B) language so grossly offensive to members of the public that the language amounts  
47 to a nuisance.

48 [(+)] (2) An applicant for personalized license plates or renewal of the plates shall file  
49 an application for the plates in the form and by the date the division requires, indicating the  
50 combination of letters, numbers, or both requested as a registration number.

51 (3) (a) A personalized license plate is a limited public forum.

52 (b) The division may not issue a personalized license plate if the combination of letters,  
53 numbers, or both:

54 (i) is determined to include indecency, obscenity, or profanity;

55 (ii) connotes:

56 (A) any intoxicant or illicit narcotic or drug;

57 (B) the sale, use, seller, purveyor, or user of any intoxicant or any illicit narcotic or  
58 drug; or

59 (C) the physiological or mental state produced by any intoxicant or any illicit narcotic  
60 or drug; or

61 (iii) includes words, signs, or symbols that represent:

62 (A) illegal activity;

63 (B) organized crime associations; or

64 (C) gang or gang terminology.

65 (c) In determining whether the requested personalized license plate violates is indecent,  
66 obscene, profane, or is otherwise prohibited as described in Subsection (3)(b), the division shall  
67 consider how ~~H~~→ [a] **an objective** ←~~H~~ reasonable person would interpret the requested language  
67a with no other  
68 context.

69 (d) The division may refuse to issue a combination of letters, numbers, or both as a  
70 registration number if that same combination is already in use as a registration number on an  
71 existing license plate.

72 ~~[(2)(a) Except as provided in Subsection (3), the division may refuse to issue any~~  
73 ~~combination of letters, numbers, or both that:]~~

74 ~~[(i) may carry connotations offensive to good taste and decency or that would be~~  
75 ~~misleading; or]~~

76 ~~[(ii) disparages a group based on:]~~

77 ~~[(A) race;]~~

78 ~~[(B) color;]~~

79 ~~[(C) national origin;]~~

80 ~~[(D) religion;]~~

81 ~~[(E) age;]~~

82 ~~[(F) sex;]~~

83 ~~[(G) gender identity;]~~

84 ~~[(H) sexual orientation;]~~

85 ~~[(I) citizenship status; or]~~

86 ~~[(J) physical or mental disability.]~~

87 ~~[(b) The division may refuse to issue a combination of letters, numbers, or both as a~~  
88 ~~registration number if that same combination is already in use as a registration number on an~~  
89 ~~existing license plate.]~~