

HB0186S01 compared with HB0186

~~{deleted text}~~ shows text that was in HB0186 but was deleted in HB0186S01.

inserted text shows text that was not in HB0186 but was inserted into HB0186S01.

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Representative Norman K Thurston proposes the following substitute bill:

LICENSE PLATE REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: ~~{~~ Wayne A. Harper

LONG TITLE

General Description:

This bill amends provisions related to the issuance of personalized license plates.

Highlighted Provisions:

This bill:

- ▶ defines terms related to words on a personalized license plate;
- ~~{~~ designates a personalized license plate as a limited public forum;
- ~~}~~ ▶ prohibits the Motor Vehicle Division from issuing a personalized license plate if the requested combination of numbers and letters is indecent, obscene, profane, or connotes certain other illegal activities or substances;
- ▶ provides a severability clause; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

HB0186S01 compared with HB0186

None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-411, as last amended by Laws of Utah 2020, Chapter 259

41-1a-419, as last amended by Laws of Utah 2023, Chapter 33

Be it enacted by the Legislature of the state of Utah:

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

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

(1) As used in this section:

(a) (i) "Indecent" or "indecency" means a statement or use of innuendo, euphemism, or

double-entendre that:

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

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

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

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

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

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

(ii) describes sexual conduct.

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

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

(A) any personally reviling epithet ~~{that naturally provokes a violent resentment; or~~

~~(B) language so grossly offensive to} or slur; or~~

(B) a swear word.

(d) "Slur" means a word or phrase that:

(i) refers to one or more members of a group based on the group's:

HB0186S01 compared with HB0186

(A) race;

(B) color;

(C) national origin;

(D) religion;

(E) age;

(F) sex;

(G) gender identity;

(H) sexual orientation;

(I) citizenship status; or

(J) physical or mental disability;

(ii) is derogatory;

(iii) would be viewed as offensive or dehumanizing by members of the ~~public that the language amounts to a nuisance~~ group; and

(iv) would provoke a strong negative reaction by members of the group.

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

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

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

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

~~(ii) connotes:~~

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

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

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

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

~~(A) illegal activity;~~

~~(B) organized crime associations; or~~

~~(C) gang or gang terminology.~~

HB0186S01 compared with HB0186

~~(f)(b)~~ In determining whether the requested personalized license plate ~~violates~~ is indecent, obscene, profane, or is otherwise prohibited as described in Subsection (3)~~(f)(a)~~, the division shall consider how ~~fa~~ an objective, reasonable person would interpret the requested language with no other context.

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

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

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

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

~~[(A) race;]~~

~~[(B) color;]~~

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

~~[(D) religion;]~~

~~[(E) age;]~~

~~[(F) sex;]~~

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

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

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

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

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

~~[(3)] (4) (a) Except as provided in Subsection ~~[(2) or (3)(b)] (3) or (4)(b)~~, the division may not refuse a combination of letters, numbers, or both as a registration number if:~~

(i) the license plate is an honor special group license plate as described in Section 41-1a-421, and the combination of letters, numbers, or both refers to:

(A) a year related to military service;

(B) a military branch; or

HB0186S01 compared with HB0186

(C) an official achievement, badge, or honor received for military service; or

(ii) the combination of letters, numbers, or both as a registration number refers to an official state symbol described in Section 63G-1-601.

(b) If an applicant requests a combination containing only numbers, the division may refuse the combination if the combination includes less than four numerical digits.

(5) If any provision of this section or the application of this section to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

Section 2. Section **41-1a-419** is amended to read:

41-1a-419. Plate design -- Vintage vehicle certification and registration -- Personalized special group license plates -- Rulemaking.

(1) (a) In accordance with Subsection (1)(b), the division shall determine the design and number of numerals or characters on a special group license plate.

(b) (i) Except as provided in Subsection (1)(b)(ii), each special group license plate shall display:

(A) the word Utah;

(B) the name or identifying slogan of the special group;

(C) a symbol decal not exceeding two positions in size representing the special group;

and

(D) the combination of letters, numbers, or both uniquely identifying the registered vehicle.

(ii) The division, in consultation with the Utah State Historical Society, shall design the historical support special group license plate, which shall:

(A) have a black background;

(B) have white characters; and

(C) display the word Utah.

(2) (a) The division shall, after consultation with a representative designated by the sponsoring organization as defined in Section 41-1a-1601, specify the word or words comprising the special group name and the symbol decal to be displayed upon the special group license plate.

HB0186S01 compared with HB0186

(b) A special group license plate symbol decal may not be redesigned:

(i) unless the division receives a redesign fee established by the division under Section 63J-1-504; and

(ii) more frequently than every five years.

(c) A special group license plate symbol decal may not be reordered unless the division receives a symbol decal reorder fee established by the division in accordance with Section 63J-1-504.

(3) The license plates issued for horseless carriages prior to July 1, 1992, are valid without renewal as long as the vehicle is owned by the registered owner and the license plates may not be recalled by the division.

(4) [~~Subject to Subsection 41-1a-411(4)(a), a~~] A person who meets the requirements described in this part or Part 16, Sponsored Special Group License Plates, for a special group license plate may, apply for a personalized special group license plate in accordance with Sections 41-1a-410 and 41-1a-411.

(5) Subject to this chapter, the commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) establish qualifying criteria for persons to receive, renew, or surrender special group license plates; and

(b) establish the number of numerals or characters for special group license plates.

Section 3. Effective date.

This bill takes effect on ~~May~~ July 1, 2024.