

HB0186S02 compared with HB0186

~~{deleted text}~~ shows text that was in HB0186 but was deleted in HB0186S02.

inserted text shows text that was not in HB0186 but was inserted into HB0186S02.

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Senator Luz Escamilla 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}~~ repeals the ~~{issuance of}~~ personalized license ~~{plates}~~ plate program.

Highlighted Provisions:

This bill:

- ▶ ~~{defines terms related to words on a personalized license plate;~~
- ~~designates a}~~ eliminates the personalized license plate ~~{as a limited public forum;~~
- ~~}~~ program and prohibits the Motor Vehicle Division from ~~{issuing a}~~ accepting applications for new personalized license plates;
- ▶ allows for an existing personalized license plate ~~{if the requested combination of numbers and letters is indecent, obscene, profane, or connotes certain other illegal activities or substances}~~ to remain valid; and

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- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

[41-1a-419](#), as last amended by Laws of Utah 2023, Chapter 33

[41-1a-1201](#), as last amended by Laws of Utah 2023, Chapters 33, 212, 219, 335, and [372](#)

[41-1a-1211](#), as last amended by Laws of Utah 2023, Chapter 33

REPEALS AND REENACTS:

[41-1a-410](#), as last amended by Laws of Utah 1993, Chapter 222

REPEALS:

[41-1a-411](#), as last amended by Laws of Utah 2020, Chapter 259

~~[41-1a-419](#)~~[41-1a-412](#), as ~~last~~ renumbered and amended by Laws of Utah ~~2023~~1992, Chapter ~~33~~1

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

Section 1. Section ~~[41-1a-411](#)~~[41-1a-410](#) is ~~amended~~repealed and reenacted to read:

~~[41-1a-411](#)~~[41-1a-410](#). ~~Application~~ Eligibility 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~~

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~~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 members of the public that the language amounts to a nuisance.~~

~~— [(1)] (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:~~

~~(1) In accordance with Section 41-1a-413, an individual that received 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.~~

~~— (c) In determining whether the requested ~~on or before May 1, 2024, may continue to~~~~

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use and renew the personalized license plate ~~{ violates is indecent, obscene, profane, or is otherwise prohibited as described in Subsection (3)(b), the division shall consider how a reasonable person would interpret the requested language with no other context.~~

~~—— (d) 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){.~~

(2) Beginning on May 1, 2024, 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~~

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- ~~(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.~~
- accept an application for a new personalized license plate.

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.

(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

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(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)]~~ (4) 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. Section 41-1a-1201 is amended to read:

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections 41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees collected under this part shall be deposited into the Transportation Fund.

(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), [(6)(b)(ii), (7), and (9)] (4)(b)(ii), (5), and (7), and Section 41-1a-1212 shall be deposited into the License Plate Restricted Account created in Section 41-1a-122.

(4) (a) Except as provided in Subsections (3) and (4)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section

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41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.

(c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for each vintage vehicle that has a model year of 1981 or newer may be used by the commission to cover the costs incurred in enforcing and administering this part.

(5) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124:

(i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and (7):

(ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii):

(iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii):

(iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i):

(v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

(vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

(b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124:

(i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and

(ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

(6) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

(7) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

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(b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited into the Neuro-Rehabilitation Fund created in Section 26B-1-319.

(9) (a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural Transportation Infrastructure Fund created in Section 72-2-133.

(b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the previous year and adding an amount equal to the greater of:

(i) an amount calculated by multiplying the amount deposited by the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

(ii) 0.

(c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the nearest 1 cent.

Section 4. Section 41-1a-1211 is amended to read:

41-1a-1211. License plate fees -- Application fees for issuance and renewal of personalized and special group license plates -- Replacement fee for license plates -- Postage fees.

(1) (a) Except as provided in Subsections ~~[(11), (12), (13), and (14);]~~ (9), (10), and (11), a license plate fee established in accordance with Section 63J-1-504 shall be paid to the division for the issuance of any new license plate under Part 4, License Plates and Registration Indicia.

(b) The license plate fee shall be deposited as follows:

(i) \$1 in the Transportation Fund; and

(ii) the remainder of the fee charged under Subsection (1)(a) into the License Plate Restricted Account, as provided in Section 41-1a-1201.

~~(2) An applicant for original issuance of personalized license plates issued under~~

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Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in Subsection (1).]

[(3)] (2) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a \$5 fee for the original set of license plates in addition to the fee required under Subsection (1).

[(4) An applicant for original issuance of personalized special group license plates shall pay the license plate application fees required in Subsection (2) in addition to the license plate fees and license plate application fees established under Subsections (1) and (3).]

[(5)] (3) An applicant for renewal of personalized license plates issued under Section 41-1a-410 shall pay a \$10 per set application fee.

[(6)] (4) (a) The division may charge a fee established under Section 63J-1-504 to recover the costs for the replacement of any license plate issued under Part 4, License Plates and Registration Indicia.

(b) The license plate fee shall be deposited as follows:

(i) \$1 in the Transportation Fund; and

(ii) the remainder of the fee charged under Subsection [(6)(a)] (4)(a) into the License Plate Restricted Account, as provided in Section 41-1a-1201.

[(7)] (5) (a) The division may charge a fee established under Section 63J-1-504 to recover the division's costs for the replacement of a symbol decal issued under Section 41-1a-418.

(b) The fee described in Subsection [(7)(a)] (5)(a) shall be deposited into the License Plate Restricted Account as described in Section 41-1a-1201.

[(8)] (6) The division may charge a fee established under Section 63J-1-504 to recover the cost of issuing stickers under Section 41-1a-416.

[(9)] (7) In addition to any other fees required by this section, the division shall assess a fee established under Section 63J-1-504 to cover postage expenses if new or replacement license plates are mailed to the applicant.

[(10)] (8) The fees required under this section are separate from and in addition to registration fees required under Section 41-1a-1206.

[(11)] (9) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject to the license plate fee under Subsection (1).

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(b) An applicant for a Purple Heart special group license plate issued on or before December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the fees under Subsections (1), ~~[(3), and (7)]~~ (2), and (5).

~~[(12)]~~ (10) A person is exempt from the fee under Subsection (1) or ~~[(6)]~~ (4) if the person:

(a) was issued a clean fuel special group license plate in accordance with Section 41-1a-418 prior to the effective date of rules made by the Department of Transportation under Subsection 41-6a-702(5)(b);

(b) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special group license plate under the rules made by the Department of Transportation; and

(c) upon renewal or reissuance, is required to replace the clean fuel special group license plate with a new license plate.

~~[(13)]~~ (11) An individual is exempt from the license plate fee under Subsection (1) if the individual presents official documentation that the individual is a recipient of the Purple Heart Award in one of the following forms:

(a) official documentation issued by a recognized association representing peace officers who:

(i) receive a salary from a federal, state, county, or municipal government or any other subdivision of the state; and

(ii) work in the state;

(b) a membership card in the Military Order of the Purple Heart; or

(c) an original or certificate in lieu of the applicant's military discharge form, DD-214, issued by the National Personnel Records Center.

Section 5. **Repealer.**

This bill repeals:

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

Section 41-1a-412, Design of personalized plates.

Section ~~{3}~~6. **Effective date.**

This bill takes effect on May 1, 2024.