

**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

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**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;
- ▶ 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:**

None

**Other Special Clauses:**

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



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*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 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:

(A) race;

(B) color;

(C) national origin;

(D) religion;

(E) age;

(F) sex;

(G) gender identity;

(H) sexual orientation;

- 57 (I) citizenship status; or
- 58 (J) physical or mental disability;
- 59 (ii) is derogatory;
- 60 (iii) would be viewed as offensive or dehumanizing by members of the group; and
- 61 (iv) would provoke a strong negative reaction by members of the group.

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

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

- 67 (i) is determined to include indecency, obscenity, or profanity;
- 68 (ii) connotes:
- 69 (A) any intoxicant or illicit narcotic or drug;
- 70 (B) the sale, use, seller, purveyor, or user of any intoxicant or any illicit narcotic or

71 drug; or

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

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

- 75 (A) illegal activity;
- 76 (B) organized crime associations; or
- 77 (C) gang or gang terminology.

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

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

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

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

88 misleading; or]

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

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

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

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

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

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

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

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

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

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

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

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

103 [~~(3)~~] (4) (a) Except as provided in Subsection [~~(2) or (3)(b)~~] (3) or (4)(b), the division  
 104 may not refuse a combination of letters, numbers, or both as a registration number if:

105 (i) the license plate is an honor special group license plate as described in Section  
 106 [41-1a-421](#), and the combination of letters, numbers, or both refers to:

107 (A) a year related to military service;

108 (B) a military branch; or

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

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

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

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

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

119           **41-1a-419. Plate design -- Vintage vehicle certification and registration --**  
120 **Personalized special group license plates -- Rulemaking.**

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

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

125           (A) the word Utah;

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

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

128 and

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

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

133           (A) have a black background;

134           (B) have white characters; and

135           (C) display the word Utah.

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

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

141           (i) unless the division receives a redesign fee established by the division under Section  
142 [63J-1-504](#); and

143           (ii) more frequently than every five years.

144           (c) A special group license plate symbol decal may not be reordered unless the division  
145 receives a symbol decal reorder fee established by the division in accordance with Section  
146 [63J-1-504](#).

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

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

154 (5) Subject to this chapter, the commission shall make rules in accordance with Title  
155 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

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

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

159 Section 3. **Effective date.**

160 This bill takes effect on July 1, 2024.