

**RHODE ISLAND GOVERNMENT REGISTER
ADVANCE NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF REVENUE

Title of Rule: Issuance of Vanity Plates

Rule Identifier: 280-RICR-30-10-13

Rulemaking Action: Advance Notice of Proposed Rulemaking

Important Dates:

Date of Public Notice: 02/16/2021

End of Public Comment: 05/17/2021

Authority for this Rulemaking:

R.I. Gen. Laws § 31-2-4 and § 31-3-17.1

Summary of Rulemaking Action:

Summary: The Rhode Island Division of Motor Vehicles ("DMV") seeks public comment to assist in determining what letters and combinations of letters and numbers are appropriate for display on courtesy plates, commonly referred to as vanity plates, and what prohibitions should be placed on vanity plate messages that do not violate an individual's constitutional right to free speech.

This ANPRM is prompted by the recent determination that the statutory standard set forth in R.I. Gen. Laws § 31-3-17.1 ("any letter or combination of letters and numbers that might carry connotations offensive to good taste and decency") that the DMV previously relied upon to prohibit certain vanity plate messages is unconstitutional and can no longer be used.

Questions: The DMV requests that commenters respond to the questions below, but also welcomes comments or questions on any other issues related to vanity plate messages. Please provide specific examples and, to the extent practicable, quantitative or qualitative data to support your answers.

1. What categories and types of vanity plate messages are appropriate for display? Please provide specific definitions for all categories and types.
2. What categories and types of vanity plate messages are not appropriate for display? Please provide specific definitions for all categories and types.
 - a. For illustrative purposes, consider plates that bear the following:
 - i. A profanity, including a swear or curse word;

- ii. An obscenity and/or vulgarity, including a reference to a sexual or intimate body part or a sexual act;
- iii. Reference to excretory functions;
- iv. Reference to violence or illegal conduct;
- v. "Hate speech," including an expression that condemns or demeans persons on the basis of race, religion, skin color, sexual identity, gender identity, ethnicity, disability, or national origin;
- vi. "Fighting words";
- vii. A combination of letters/numbers that appear almost identical to a previously issued plate;
- viii. A combination of letters/numbers that give the appearance that the vehicle is associated with law enforcement or other government entities;
- ix. Any speech that is outside the scope of the First Amendment protections.

3. Are there categories and types of vanity plate messages, including specific words, phrases, expressions, and configurations, that should be prohibited? If yes, please provide recommendations with specific definitions.

4. Are there categories and types of vanity plate messages, including specific words, phrases, expressions, and configurations, that can be prohibited without violating an individual's constitutional right to free speech? If yes, please provide specific examples with specific definitions. Please also include discussion regarding the constitutional limits on the DMV's ability to prohibit vanity plate messages.

5. What are the benefits, if any, to the public in prohibiting certain categories and types of vanity plate messages, including specific words, phrases, expressions, and configurations?

6. What are the costs, if any, to the public in prohibiting certain categories and types of vanity plate messages, including specific words, phrases, expressions, and configurations?

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until May 17, 2021 by contacting the appropriate party at the address listed below:

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