

PERSONALIZED LICENSE PLATES

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Governing Statute: [I.C. §49-409\(1\)](#):

PERSONALIZED LICENSE PLATES. (1) Any person who is the owner of a vehicle registered under section 49-402 or 49-434(1), Idaho Code, may apply to the department for personalized license plates in lieu of regular numbered plates . . . The personalized license plates shall be of the same color and design as other license plates, and shall consist of numbers or letters, or any combination thereof, not exceeding seven (7) positions. No more than one (1) particular combination of letters and numbers shall be in existence at any one (1) time. The form for application of the plates will be as prescribed by the director who, at his discretion, may refuse to issue the plates.

Governing Regulations: [IDAPA 39.02.60](#); specifically, [202.08](#):

o8. Acceptability of Plates Message. Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria:

- a. The characters requested may not duplicate an existing combination in use on the same size plate or replicate an existing law enforcement plate combination.
- b. The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, or profanity, as defined by common internet and dictionary resources.
 - i. The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; illegal substances or the use thereof.
 - ii. The message may not represent a group that is commonly known to promote violence, illegal substances or illegal acts.

c. The criteria in Paragraph 202.08.b. of this rule is not to be considered an exhaustive list. A compilation of words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho.

d. When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed.

e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision.

Key Cases: None.

Key Secondary Literature:

- "Validity, Construction, and Operation of State Statutes Regulating Issuance of Special or Vanity License Plates," 8 A.L.R.6th 639
- "Form and requisites of motor vehicle vanity license plates," 60 C.J.S. Motor Vehicles § 267

Deadlines: Open.

Burden: Applicant. [IDAPA 62.01.01.477](#).

Standard: Preponderance. [IDAPA 62.01.01.477](#).

Additional Notes: In recall matters, ITD practice is to advise that the plate is being cancelled/recalled unless appeal is made – in effect, cancellation/recall of plate stayed during appeal process.