



governmentattic.org

"Rummaging in the government's attic"

Description of document:	The state of Michigan list of prohibited or banned personalized license plates, procedures for screening personalized license plate applications, and where available, administrative appeals of withdrawn personalized plates, 2012
Requested date:	27-October-2012
Released date:	29-November-2012
Posted date:	28-January-2013
Source of document:	Department of State Information Center Secondary Complex • 1st Floor 7064 Crowser Drive Lansing, Michigan 48918
Note:	Not all requested items were available from all respondents This material from state Motor Vehicle Departments contains references to language and material that some people may find offensive and may not be suitable for all ages.

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 29, 2012

FREEDOM OF INFORMATION ACT NOTICE

The Department of State Information Center received your Freedom of Information Act (FOIA) request on November 5, 2012 and responded with an extension of November 29, 2012. In your request, you are seeking:

1. A copy of the list of prohibited personalized license plates
2. A copy of the internal instructions to DMV employees on procedures for screening personalized license plate applications for offensive or objectionable words or phrases or messages.
3. A copy of each administrative appeal letter from A) applicants whose personalized license plate was rejected, and/or from B) motorists whose personalized license plated were reclaimed by the DMV following a complaints from a member of the public from January 1, 2010 to the present.

Denial as to a copy of the list of prohibited personalized license plates

Your request is denied. Pursuant to MCL §15.235(4)(b), I certify to the best of my knowledge, information, and belief, the Department does not currently possess a compilation, summary, or report of the information you have requested. This information is contained within the programming of the application used by our branch office staff computer system and also with the "Plate It Your Way" application located on the Department's webpage.

Partially granted/partially denied as to a copy of the internal instructions to DMV employees on procedures for screening personalized license plate applications for offensive or objectionable words or phrases or messages.

Your request is partially granted/partially denied as to a copy of the internal instructions to DMV employees on procedures for screening personalized license plate applications for offensive or objectionable words or phrases or messages. The Department does not have an "internal instruction" for department use only. Attached you will find records responsive to your request.

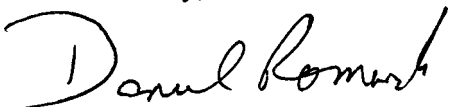
Denial as to a copy of each administrative appeal letter from A) applicants whose personalized license plate was rejected, and/or from B) motorists whose personalized license plated were reclaimed by the DMV following a complaints from a member of the public from January 1, 2010 to the present

Pursuant to the Freedom of Information Act (FOIA), MCL § 15.231 *et seq* your request is DENIED because the exemption contained in MCL § 15.234, which authorizes the Department to charge a fee for a public record search, the necessary copying of a public record for inspection, or for providing a copy of a public record. Since our documents are not in an electronic format or indexed electronically, it is our estimation that the cost of a qualified employee to search for the documents, copy the documents, and mail the documents would be approximately \$480.00. If you are still requesting these documents, a partial payment of \$240.00 would be required up front. The remaining balance would be due after you receive the documents found.

Pursuant to Section 10 of the FOIA, you may do either of the following:

- 1) Appeal this decision in writing to the head of the Department. The writing must specifically state the word "appeal" and must identify the reasons you believe the denial should be reversed. The head of the Department must respond to your appeal within 10 days of its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days.
- 2) File an action in circuit court to compel disclosure of the records. The action must be filed within 180 days after the date of the denial. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements. Further, if the court finds the denial to be arbitrary and capricious, you may receive punitive damages in the amount of \$500.

Sincerely,



Daniel Romanek
FOIA Coordinator
Michigan Department of State

Michigan Department of State
Customer Services Administration

Personalized Plate Overview



The personalized plate program was established by enactment of 1972 PA 314, effective January 2, 1973. The program allows Michigan citizens to select their own license plate configuration, subject to certain limitations. Personalized plates are available for a number of different types of plates. Personalized plates are not available for any other plate series than the ones listed below.

In the regular Standard and Spectacular Peninsula plate series there can be a maximum of 7 characters for passenger plates and 5 characters for motorcycle plates. A person with a handicap is given a red handicap sticker that is put on the lower left hand corner of the plate.

In the Special Cause and University plate series a personalized plate is available with a maximum of 6 characters unless it is a handicap plate. A handicap plate in this series has an embossed handicap symbol so a personalized plate would be limited to 5 characters. Motorcycle plates are not available for this plate series.

In the Veteran and Military Service plate series a personalized plate is available with a maximum of 6 characters unless it is a handicap plate. A handicap plate in this series has an embossed handicap symbol so a personalized plate would be limited to 5 characters. Personalized plates are not available for motorcycles in this series.

If a personalized plate expires, MDOS has a policy that the owner on record has 60 days beyond expiration before it's available to another individual. This is to allow for errors on our current system to be corrected. After 60 days, anyone else may process an application for an original personalized plate using the expired configuration.

All personalized plates are subject to the Michigan Compiled Laws Michigan Vehicle Code Act 300 of 1949 and used below:

MCL Section 257.803b. (1) "The secretary of state may issue 1 personalized vehicle registration plate that shall be used on the passenger motor vehicle, pick-up truck, motorcycle, van, motor home, hearse, bus, trailer coach, or trailer for which the plate is issued instead of a standard plate. Personalized plates shall bear letters and numbers as the secretary of state prescribes. The secretary of state shall not issue a letter combination that might carry a connotation offensive to good taste and decency. The personalized plates shall be made of the same material as standard plates. Personalized plates shall not be a duplication of another registration plate."

**Michigan Department of State
Customer Services Administration**

Based on the above, plus over the years, the department has interpreted the term “connotation offensive to good taste and decency” to include configurations in the following categories:

- Phrases or letter combinations commonly perceived as indecent (i.e., profanity, obscene language). As used here, “profanity” means irreverence towards sacred things, particularly an irreverent or blasphemous use of the name of God. “Obscene language” means something that is morally abhorrent; its predominant appeal is to a prurient interest, socially taboo, or otherwise grossly repugnant to generally accepted notions of what is appropriate, such as references to excretion.
- Configurations of a sexual nature, including those that denote sexual organs, functions, or acts.
- Words or phrases that portray a negative image of a given racial, religious, ethnic or socioeconomic group, including persons of a particular gender or sexual orientation.
- Configurations that are unacceptable with respect to society’s collective values. Such a configuration is “COPKILR”.
- Words or phrases dealing with illegal drugs or their usage.

When attempting to identify offensive words and phrases, the following principles should be kept in mind:

- Some configurations should be denied for their phonetic meaning even if they represent a legitimate person, place or thing such as PHUKET. While it is a place in Thailand, its phonetic meaning implies something else.
- Configurations may also be denied on a specialty plate (university and special cause plates) if the emblem or logo (such as the S for MSU or the M for U of M) combined with the choice, may imply a meaning not evident in the choice itself such as “HIT” on an MSU plate.
- The foreign language equivalent of expressions in the above mentioned offensive categories would also be rejected, as would coded phrases (such as those by court reporters) and reverse image phrases.

Plate configurations that may be rejected for other than offensive reasons. These fall into one of the following categories:

- Plates with configurations that may cause unintended problems for the department and/or applicant, such as plates, which duplicate plates, used by the

Michigan Department of State Customer Services Administration

department for administrative purposes, like "ONLINE", "SAMPLE", "SAMPL", "NONE", or "0".

- A duplication of another valid registration plate.

Personalized Plate Review Process

Initial review process at point of sale

The Department of State will review all personalized plate applications for appropriateness and to prevent the issuance of plates with offensive connotations. Customers must order personalized plates at a Secretary of State office. When a customer applies for an original personalized plate at the branch office, the IT program compares the proposed configuration with a prohibited plate configuration file as well as valid plate configurations. If the proposed configuration is found in the prohibited plate configuration file, the mainframe returns the message "unacceptable plate configuration" and the transaction is terminated. If the proposed configuration is already an existing valid plate configuration or is an unacceptable plate configuration the customer must select another choice or else not obtain a personalized plate.

Currently, the prohibited configuration file has approximately 8,800 entries. The file is based on Michigan's statutory standard of plates that carry a connotation offensive to good taste and decency. Numerous resources were employed to help identify objectionable phrases, including departmental staff, the Internet, foreign language interpreters, the foreign language department at Michigan State University, students, and representatives from various professions, such as the medical profession. The department also reviewed prohibited plate lists from 3 other states. The prohibited configuration file is updated on a regular basis as new configurations are denied or new offensive terms are brought to our attention.

Internet sites are useful to research possible objectionable phrases, however, one must keep in mind the Internet is not all inclusive and judgment must be used when utilizing such as not everything found on the Internet is factual. Some sites that may assist in research: <http://www.urbandictionary.com/>, <http://www.google.com/>, <http://www.lingo2word.com/>, <http://www.acronymfinder.com/>, <http://translate.reference.com/translate>, <http://dictionary.reference.com/>, <http://www.britannica.com/>, http://en.wikipedia.org/wiki/Main_Page, <http://www.google.com/>

Review process before plate manufacturing:

After a plate has been ordered through a Secretary of State office, the transaction is passed to the mainframe. A mainframe program builds a daily-personalized plate activity file that contains new personalized plate choices. The file is electronically sent to the Distributed Services Unit (DSU) mailbox and then is electronically (via e-mail forwarding rule) distributed to the personalized plate review group.

Michigan Department of State Customer Services Administration

The daily personalized plate file is reviewed by a team of departmental personnel for any possible configurations that might be offensive to the general public. If a plate configuration appears to be offensive, the personalized character choice is run (the day after the list is generated) on the mainframe to get full registration information. The registration information is reviewed to see if any of the following apply:

- Is the configuration related to the owner's name? That is why "HORNEY" and "HOOKER" have both been issued. Both plates are the owners' last names.
- Does the choice refer to the owner's address?
- Does the year the customer's car was manufactured explain the configuration? "69 GT" was issued because it is on a 1969 vehicle.
- Does the choice refer to the owner's date of birth or other milestone such as graduation?

If the registration test does not yield a meaning for the plate and the plate appears that it could be offensive, the choice is denied. Renewal by Mail (RBM) then sends the customer a denial letter explaining why their plate configuration was denied. We do give the customer the opportunity to provide an explanation and give full consideration to any reason the customer may give for the configuration choice. For denied choices, the customer can select another configuration or RBM will help them apply for a refund.

When the review process is complete, the daily print list is e-mailed to the plate manufacturing facility at the Adrian prison. Generally, plates take about one week for manufacturing. MSI then ships the manufactured plates to RBM.

Limited review process prior to plate mailing

Final checks for offensive plates occur as staff prepares plates for mailing. However, because this is a production job done quickly, a detailed review of all plates at this level is not practical.

Plate Ownership/Cancellation/Confiscation:

The following statutes are the basis for plate revocation practices such as plate cancellation, state ownership of plates and plate confiscation procedures:

MCL Sec. 257.258. (1) "The secretary of state may cancel, revoke, or suspend the registration of a vehicle, a certificate of title, registration certificate, or registration plate if any of the following apply: (a) The secretary of state determines that the registration, certificate of title, or plate was fraudulently or erroneously issued . . . "

MCL Sec. 257.803c. "Use of personalized automobile registration plates on a vehicle other than the vehicle for which the plates were issued is a misdemeanor.

**Michigan Department of State
Customer Services Administration**

The secretary of state shall confiscate the personalized plates of any person who is in violation of this section.”

MCL Sec. 257.259. (a) “All license plates, certificates of title, registration certificates or the license of any dealer or wrecker, shall be deemed to be the property of the state of Michigan and whenever the department as authorized hereunder cancels or suspends the registration of a vehicle or a certificate of title, or the license of any dealer or wrecker, the owner or person in possession of the same shall immediately return the evidence of registration, title, or license so cancelled or suspended to the department.”

MCL Sec. 257.210. “The department is hereby authorized to take possession of any certificate of title, registration certificate, permit, license or registration plate issued by it upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, and the department or any agent thereof is authorized to take possession and custody of any registration plate found attached to any motor vehicle for which it was not issued, or when any other unlawful use is being made thereof. Expiration, revocation, cancellation or suspension of a certificate of title does not, in itself, affect the validity of a security interest noted on it.”