STATE OF INDIANA

BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:)	Case No. 19-PP-004
)	
DLN:)	
		The same same same

FINAL ORDER

- ("Petitioner") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") decision to deny her personalized license plate ("PLP") application. Petitioner application requested the term "Coon19" to be displayed on her license plate.
- 2. The matter was referred to Administrative Law Judge Steven Sams ("ALJ") for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on June 6, 2019. The BMV was represented by Attorney Ashley Merritt.
- 3. On July 9, 2019, the ALJ issued a Recommended Order that affirmed BMV's decision to deny Petitioner's PLP application.
- 4. Petitioner submitted a request for reconsideration of the Recommended Order. Petitioner provided that she had never been informed of the specific reason why her request was denied; prior BMV communications only referred that her application as denied because it either carried a connotation offensive to good taste and decency, could be misleading, or the bureau otherwise considered improper for issuance. Petitioner acknowledged that a certain segment of the population use the term requested as a racial remark, but that it was not her fault. Petitioner did not grasp what was offensive the term and that she wished to honor her father by requesting the plate for her vehicle.
- 5. Indiana Code § 9-18.5-2-4(b) provides, in relevant part:
 - (b) The bureau may refuse to issue a combination of letters or numerals, or both, that:
 - 1. carries a connotation offensive to good taste and decency;
 - 2. would be misleading; or
 - 3. the bureau otherwise considers improper for issuance.
- 6. In Vawter, the Indiana Supreme Court held that Indiana's PLPs are government speech and that a violation of the First or Fourteenth Amendment does not occur when the BMV denies an application for a PLP. Comm'r of Indiana Bureau of Motor Vehicles v. Vawter, 45 N.E.3d 1200, 1210 (Ind. 2015). In addition, the Court held that Due Process Clause protections do not apply to PLP applicants because vehicle owners do not have a property interest in their personalized license plates. Id.

- 7. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's July 9, 2019 Recommended Order. Petitioner acknowledged in her appeal that the term requested for her license plate was commonly associated as a racial remark. As such, the record upholds the determination by the BMV that the term carries a connotation offensive to good taste and decency, could be misleading, and deemed improper by the Bureau for issuance.
- 8. Petitioner is hereby notified that this is a Final Order. Petitioner may seek judicial review of this Final Order pursuant to I.C. 4-21.5-5.

SO ORDERED.

9 Sept 2019

Date

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles