

Senate Bill Number 6967-B, entitled:

V E T O # 240

"AN ACT to amend the vehicle and traffic law, in relation to authorizing the issuance of distinctive license plates for family members of paid professional firefighters who died in the line-of-duty"

Senate Bill Number 8035-A, entitled:

V E T O # 241

"AN ACT to amend the vehicle and traffic law and the state finance law, in relation to creating the 'September eleventh, two thousand one remembrance' distinctive license plate program"

NOT APPROVED

These bills would amend the Vehicle and Traffic Law to establish a new series of custom license plates that would bring attention to specific topics or recognize individuals who meet certain requirements. Each bill would provide for an additional charge of \$25 to be paid by the individual requesting the custom plate. In each case, the bill would require the design of the plate to receive prior approval from the the Commissioner ("Commissioner") of the Department of Motor Vehicles ("DMV"). The bills would each take effect between 120 and 180 days after becoming law.

In recent years, litigation has arisen in a number of states, including New York, regarding whether the establishment of custom license plate programs give rise to a First Amendment right on the part of individuals to mandate the issuance of custom license plates reflecting a particular message of their choosing. While I do not believe that the Constitution compels a state to issue license plates with a message that responsible state officials in the exercise of their discretion believe to be inappropriate, it is important to establish uniform standards and criteria for approving any new custom license plate series. Pending the development of such standards and criteria, the Commissioner has imposed an administrative moratorium on the consideration or issuance of new custom plate series. This moratorium does not apply to those plate series mandated by law or those which have already been approved administratively. While the moratorium cannot apply to custom plates established through legislation, I am reluctant to approve the substantial expansion of New York's custom license plate program called for under these bills while legal challenges remain pending.

While it is difficult to veto bills that would bring recognition to worthy causes and organizations and recognize outstanding individuals, as proposed in these bills, I am constrained to do so based on the legal concerns set forth herein.

The bills are disapproved.

H. Cook
W. H. ...