



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLES



September 6, 2008

Victoria F Llyod
[REDACTED]
[REDACTED]

Personalized Tag Number: **TRIGGER**

Dear Victoria F Llyod,

The DMV regrets to inform you that your recent request for personalized tags has been rejected for one or more of the following reasons: This action is guided by the District of Columbia Municipal Regulation, Title 18 section 423.14.

The personalized tags are one of our tag series and/or numbers

The personalized tags feature a message or display an image that may be considered offensive to the general public.

The personalized tags refer to a race, religion, color, deity, ethnic heritage, gender, sexual orientation, disability status, or political affiliation.

The personalized tags are vulgar, derogatory, profane, scatological or obscene, with any connotation, in any language.

A refund is being processed and will be mailed to you within six to eight weeks. If you have additional question or concerns, please call the DC DMV customer service center at 311 or (202) 737-4404

Thank You,

Vehicle Services Administration

NATIONAL RIFLE ASSOCIATION OF AMERICA
OFFICE OF THE GENERAL COUNSEL
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030

(703) 267-1250
(703) 267-3985 fax



NRA

December 9, 2008

Lucinda M. Babers
Director, DC Department of Motor Vehicles
PO Box 90120
Washington, DC 20090

Re: Rejection of Personalized Tag Number: TRIGGER

Director Babers:

This office represents Victoria F. Lloyd as legal counsel. Ms. Lloyd requested the personalized license tag "TRIGGER" from the District of Columbia Department of Motor vehicles ("DMV"). DMV wrote to Ms. Lloyd on September 6, 2008, informing her that her "recent request for personalized tags has been rejected" because "The personalized tags feature a message or display an image that may be considered offensive to the general public." DMV further wrote that "This action is guided by the District of Columbia Municipal Regulations, Title 18, section 423.14." A copy of this letter is enclosed.

We submit that the action was not guided by the Municipal Regulations and, further, resulted in a decision that denied Ms. Lloyd her right to express herself, a right protected by the First Amendment. For the reasons outlined in this letter, we respectfully request that this decision be revisited and that Ms. Lloyd be issued the requested tags.

There is no authority in the District's Municipal Regulations, or in any other provision of DC law, to reject tags that "feature a message or display an image that *may* be considered offensive to the general public." (Emphasis added.) Everything "may" be considered offensive and the regulations provide no such authority. Instead, D.C. Mun. Regs., tit. 18, §423.13, states that "The Director shall reject any proposed tag content that conveys a message, or displays an image, that *is* confusing or offensive to the general public." (Emphasis added.) Therefore, personalized tags which are offensive to the general public can be rejected. The term TRIGGER, however, is not an offensive term and, therefore, we believe this rejection would not survive a First Amendment challenge.

As mentioned above, the District's letter to Ms. Lloyd states that "This action is guided by the District of Columbia Municipal Regulations, Title 18, section 423.14." That section provides:

423.14 For purposes of § 423.13, the Director shall reject any combination of letters or numbers that:

- (a) Is vulgar, derogatory, profane, scatological or obscene, with any connotation, in any language;
- (b) Connote, in any language, breast, genitalia, pubic area, or buttocks or relate to sexual or eliminatory functions.
- (c) Connote, in any language, (i) any illicit drug, narcotic, intoxicant, or related paraphernalia, (ii) the sale, user, or purveyor of such a substance, or (iii) the physiological state produced by such a substance;
- (d) Refer, in any language, to a race, religion, color, deity, ethnic heritage, gender, sexual orientation, disability status, or political affiliation;
- (e) Suggest, in any language, a government or governmental agency;
- (f) Suggest, in any language, a privilege not given by law in this state; or
- (g) Form, in any language, a slang term, abbreviation, phonetic spelling or mirror image of a word described in this subsection.

It is unclear how TRIGGER meets any of these guidelines. It seems, instead, that the person or persons who reviewed Ms. Lloyd's application made an arbitrary decision to deny the request. This denial violated Ms. Lloyds First Amendment rights. If the categories above served as guidelines in that decision, as they are intended to do, it remains unclear into which of these guidelines TRIGGER fits or into which category the District would attempt to place the term in defending against a First Amendment claim.

If DMV made the decision because a trigger is part of a firearm, then one wonders what other parts of a firearm would be rejected as personalized tags. Would GRIP, SIGHT, or FRAME similarly be rejected? It is my understanding that the District allowed the personalized tag "GUNLAW." If "GUN" is allowed, and it is not confusing or offensive to the general public, then I submit that a part of a gun should be allowed, especially if that part is not an offensive term.

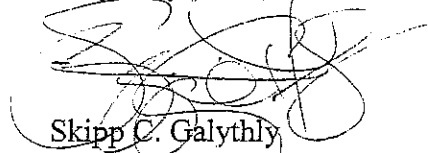
The term "trigger" appears in at least thirteen different provisions of the DC Code and in at least twenty-three different DC Municipal regulations. The term also appears in the District of Columbia Rules of Court. All such uses of the term, of course, are not offensive nor would they be considered offensive to the general public. In addition, several states offer National Rifle Association tags including the District's neighboring states of Virginia and Maryland. These tags employ the term "Rifle" and whatever other personalized message a motorist might wish to convey. (A search of personalized tags on the Virginia DMV website shows that TRIGGER is already taken, while a search on the District's DMV website now states that TRIGGER "has been deemed unacceptable.") I would also note that offensive terms cannot be trademarked, yet hundreds of trademarks have been registered that include the term trigger. One can go on and on with similar examples since the term is absolutely not offensive and, therefore, is not considered offensive by the general public and, therefore, should not have been rejected by DMV.

Trigger is the name Ms. Lloyd gave her motor vehicle, hence the desire for this personalized tag. This is the same name Roy Rogers gave his horse and, of course, motor vehicles were at one time referred to as horseless carriages. Trigger is also a common surname. The term is certainly not offensive to the numerous NRA Members in the District and therefore it cannot be offensive to the general public.

It is clear that "trigger" is not an offensive term and, therefore, should not have been rejected as a personalized tag. Furthermore, it is difficult to imagine how this denial could survive a First Amendment challenge or how the District could show that trigger is offensive to the general public. We therefore respectfully request that Ms. Lloyd be allowed to engage in her protected expression under the First Amendment and that the personalized tags TRIGGER be approved and reserved for Ms. Lloyd. To that end, Ms. Lloyd again submits the enclosed application for personalized tags, along with the required reservation fee, and we hope that the tags are issued this time.

I thank you very much for your time and consideration and I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "Skipp C. Galythly", written over a circular stamp or seal.

Skipp C. Galythly
Assistant General Counsel

Cc: District of Columbia
Office of the Attorney General
441 4th Street NW, Suite 1060 N
Washington, DC 20001

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLES



OFFICE OF THE DIRECTOR

January 2, 2009

Mr. Skipp C. Galythly
NRA, Assistant General Counsel
11250 Waples Mill Road
Fairfax, VA 22030

Dear Mr. Galythly,

This is in response to your letter regarding personalized tags for Ms. Victoria Lloyd.

Upon further review of our regulations, we have decided that "TRIGGER" meets our guidelines for personalized tags. The tags have been ordered, and Ms. Lloyd will be notified via mail when the tags are available for pick-up. The receipt has been enclosed for your records. I apologize for the inconvenience this matter has caused.

Thank you for allowing me to address this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lucinda M. Babers".

Lucinda M. Babers
Director

Enclosure

Cc: Victoria Lloyd