

To: New Jersey Law Revision Commission
From: Vito J. Petitti
Re: Motorcycle License Plate Display
Date: January 19, 2017

MEMORANDUM

At the December 2016 meeting, the Commission considered a Draft Final Report relating to the display of motorcycle license plates pursuant to N.J.S. 39:3-3, which included new proposed language as discussed at the November 2016 meeting. The relevant passage read as follows:

Motorcycles shall also display an identification mark or marks; provided, that if two marks are issued they shall be displayed on the front and rear of the motorcycle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the motorcycle; and shall remain clearly visible from the rear at all times. The identification mark shall be displayed along the same axis on which it is printed.

In an effort to further clarify the proposed language, the Commission directed Staff to specify in the Final Report that motorcycle license plates would be mounted horizontally for horizontally printed plates and mounted vertically for vertically printed plates, and voted to release a Final Report containing the recommended language pending further outreach to the Motor Vehicle Commission (MVC). The resulting revision read as follows:

Motorcycles shall also display an identification mark or marks; provided, that if two marks are issued they shall be displayed on the front and rear of the motorcycle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the motorcycle; and shall remain clearly visible from the rear at all times. The identification mark shall be displayed horizontally for horizontally printed plates; vertically for vertically printed plates.

The MVC expressed concern about the revision contained in the Final Report, suggesting that reasonable people could perceive that vertically printed license plates are available *now* – or will be available at some point in the future.

According to the MVC, the ‘original’ language (that which appeared in the Draft Final Report, dated 12/5/2016, and contained in the first passage, above) refers only to horizontal plates – and horizontal mounting is clearly stated. The MVC representatives expressed the

position that, if law enforcement wants horizontal mounting, the MVC was not interested in entertaining or referencing vertical mounting.

Although the Final Report emphasizes that the most recently proposed language (i.e., at the December 2016 meeting) is intended to simply allow for the possibility of – **but does not in any way propose** – a future vertically-oriented motorcycle license plate, the MVC is nonetheless reluctant to endorse it. Since at this time, only horizontally-oriented plates are printed, one possible solution which squarely addresses the concerns expressed by the MVC is to slightly revise the language of the Final Report to refer only to horizontal placement, as 19 other states have done. For instance:

Motorcycles shall also display an identification mark or marks; provided, that if two marks are issued they shall be displayed on the front and rear of the motorcycle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the motorcycle; and shall remain clearly visible from the rear at all times. The identification mark shall be displayed horizontally.

Staff respectfully requests the Commission's guidance regarding the language in issue. An invitation has been extended to the MVC for a representative to attend our next public meeting, scheduled for 10:00 a.m., on Thursday, January 19, 2017.