

To: New Jersey Law Revision Commission
From: Vito J. Petitti
Re: Motorcycle License Plate Display
Date: June 6, 2016

MEMORANDUM

Introduction

A member of the public apprised Staff of a concern regarding N.J.S. 39:3-33, which controls the display of New Jersey registered motorcycle license plates. Under the statute, an *automobile* license plate must be displayed in a horizontal position on the rear of the vehicle. Motorcycle owners must also display license plates on the rear of motorcycles, but there is no express requirement to display them horizontally. Some police officers believe the wording of the statute is vague and has enabled motorcycle operators to elude law enforcement efforts.

N.J.S. 39:3-33

N.J.S. 39:3-33, entitled “Identification mark or marks; display; registration plate inserts; issuance; requirements; use of fictitious numbers or plate with advertisement; violations; penalties,” provides, in relevant part, that

The owner of an automobile which is driven on the public highways of this State shall display not less than 12 inches nor more than 48 inches from the ground in a horizontal position, and in such a way as not to swing, an identification mark or marks to be furnished by the division; provided, that if two marks are issued they shall be displayed on the front and rear of the vehicle; and provided, further, that if only one mark is issued it shall be displayed on the rear of the vehicle ... **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.** [Emphasis added.]

...

All identification marks shall be kept clear and distinct and free from grease, dust or other blurring matter, so as to be plainly visible at all times of the day and night.

For the purpose of the statute, license plates are considered “identification marks.” N.J.S. 39:3-33 does not restrict motorcycle operators to the horizontal display of license plates, nor does it specify that the plate must be visible *from the rear*. For instance, the plate, although

mounted on the rear of the vehicle, could be attached in such a way as to be visible and identifiable only from one side or the other.

Preliminary Outreach

In order to become better acquainted with the scope of potential issues related to the language of N.J.S. 39:3-33, Staff has accomplished some preliminary outreach to members of the law enforcement community. Most responded that there is a problem with the statute, as written.

One officer informed Staff that, when he cannot clearly see a motorcycle license plate from two to three car lengths away, he considers it unclear and writes a ticket. He noted that many of his fellow officers do not write the ticket because the statute is vague, and that “added language on 39:3-33 would be helpful.” According to this officer, “a lot of” motorcycle operators hide their plates under the seat making them unreadable, and “many times the bikes are stolen.” As to the number of tickets that “stick” (i.e., are not dismissed), he informed Staff that he had “never been called by a prosecutor about it,” assuming that the relatively inexpensive tickets are paid.

Another officer characterized vertically mounted plates as “not reasonably displayed” when “bent along the rear fender both horizontally and vertically, as well as deep under the seat. All make it difficult to read the plate.” He suggested that the law should read “that the requirements pertain to both automobiles and motorcycles, and the plates cannot be bent or twisted.”

Not everyone in law enforcement objects to vertical display of motorcycle plates. A 29-year veteran opined that there is no problem with the “perpendicular mounting, just as long as the plate is clearly displayed and unobstructed by anything.” He added that “sometimes, due to the rear chassis of a motorcycle, a horizontal mounting is not an option.”

Finally, a New Jersey traffic enforcement officer claimed he does not “issue a ticket for a vertically mounted tag alone because there are so many other bad ones.” For instance, some motorcycle owners attach the plate vertically, but bent in such a way as to make it difficult to see from behind. The officer says he will not issue the ticket “mostly because of the statute wording” and that “a large majority of sport motorcycle riders remove the [stock] tag holder ... The very first modification done to these motorcycles is to remove this assembly using a ‘fender eliminator kit.’”

Other States’ Statutes

Although other states’ statutes vary with regard to horizontal placement of motorcycle license plates, preliminary research indicates general agreement that they should be securely fastened whereby they may be clearly seen *from the rear of the vehicle*.

Florida requires motorcycle license plates “affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground” and may not “be displayed in an inverted or reversed position or in such a manner that the letters and numbers and their proper sequence are not readily identifiable.” Also, the plate must be “clearly visible from the rear at all times” and the deliberate concealment of the tag is prohibited.

License plates on motorcycles registered in **Idaho** must be “securely fastened,” “attached to the rear,” and “in a place and position as to be clearly visible,” but with no requirement for horizontal display. But **Indiana** motorcycle license plates must be “securely fastened in a horizontal position,” “upon the rear of the vehicle,” “in a place and position that are clearly visible,” and “not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.”

Neither **Montana** nor **Nebraska** requires a horizontal display, but motorcycles registered in the former must have a “license plate displayed on the rear of the vehicle,” “conspicuously displayed,” and must be “obviously visible and firmly attached.” Although **Nebraska** law currently does not even require *rear* motorcycle license placement, a recent legislative bill would seem to address the issue. Operators in that state must secure their plates “in an upright position” with all identification marks on such plates “kept clear” and “plainly visible at all times during daylight and under artificial light in the nighttime.”

In **Nevada**, motorcycle plates “must be attached to the rear of the vehicle,” “in a place and position to be clearly visible.” In **New York** motorcycle plates must be “displayed on the rear ... securely fastened.” Horizontal placement of motorcycle plates is not required in either state.

Staff requests the Commission’s guidance as to whether further research and outreach would be appropriate with a view to possibly clarifying the language in New Jersey’s Title 39 in a way that resolves the issues raised herein.