



NEW JERSEY LAW REVISION COMMISSION

Revised Draft Final Report Relating to Motorcycle License Plate Display

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The work of the New Jersey Law Revision Commission is only a recommendation until enacted.
Please consult the New Jersey statutes in order to determine the law of the State.

Please send comments concerning this report or direct any related inquiries, to:

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Executive Summary

New Jersey law provides specific guidance regarding the placement of license plates on certain motor vehicles. Under N.J.S. 39:3-33, a license plate must be displayed in a horizontal position on the rear of an automobile.¹ The same statute specifies that license plates are to be displayed on the rear of *motorcycles*, but there is no express requirement to mount them horizontally, as with automobiles. Some members of the law enforcement community have suggested that the wording of the statute is vague.

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.”² 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.

¹ N.J. STAT. ANN. 39:3-33 (West 2016).

² Senate bill S417, introduced and referred to the Senate Transportation Committee on 1/12/2016, would amend N.J.S. 39:3-33 to refer to a “license plate” instead of an “identification mark,” and would require the Motor Vehicle Commission to issue one license plate instead of two. The Commission’s proposed revisions would have no impact on the areas addressed by this bill.

Background

This project springs from the concern expressed to the Commission by a member of the public regarding the enforcement of N.J.S. 39:3-33, which controls the display of New Jersey registered license plates. In order to become better acquainted with the scope of potential issues related to the statute's language, the Commission reached out to members of the law enforcement community, most of whom responded that there are problems with the statute as written.

According to one New Jersey traffic enforcement officer, many officers do not issue tickets regarding N.J.S. 39:3-33 even when there is a legitimate basis on which to do so, because the statute is vague, and that adding additional language to 39:3-33 would be helpful.

Another officer suggested that license plates mounted vertically, rather than horizontally, are not reasonably displayed when they are bent along the rear fender (horizontally or vertically), or placed deep under the seat. These things make it difficult to read the plate under normal conditions. The law enforcement commenters who provided feedback to the Commission were not uniform in expressing concerns about vertically mounted plates, however, and some officers suggested that either mounting could be appropriate as long as the plate is clearly displayed and unobstructed.

Other States' Statutes

On the subject of license plate, tag, or mark display, other states' statutes vary with regard to horizontal placement of motorcycle license plates, although there is general agreement that they should be securely fastened in the rear whereby they may be seen clearly and legibly. As many as 19 states require a motorcycle license plate to be displayed horizontally and some state statutes in this area contain other unique requirements.

Florida's statute requires motorcycle license plates to be "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." Florida is the only state requiring that a license plate be "clearly visible from the rear at all times." Operators with Florida license plates are prohibited from deliberately concealing them.

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."

Louisiana is the only state other than **Florida** to require a license plate to be oriented so that "it is facing to the rear of the vehicle," and must otherwise be "clearly visible" and "clearly legible."

Some state statutes go beyond setting the parameters of basic license plate display. Besides instructing that license plates be "attached on the rear" of motorcycles and "clearly visible," **Maryland** statute makes it a "duty of every police officer to report ... all vehicles operated in violation [of the law]." **Wisconsin** goes so far as to empower "any peace officer [to] require the operator of any vehicle

on which plates are not properly displayed to display such plates.” Officers in **Mississippi** must actually *remove* defaced license plates from vehicles.

While **Nebraska** does not requires a horizontal display, 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.”

One state, **Arizona**, has actually codified in its license plate display statute a concern regarding reasonable cause in connection with motor vehicle stops. Specifically, “a peace officer shall not stop or issue a citation to a person operating a motor vehicle on a highway in this state for a violation of [the subsection requiring that the name of the state be unobscured] unless the peace officer has reasonable cause to believe there is another alleged violation of a motor vehicle law.”

The Commission conducted a review of all 50 states’ license plate display statutes, certain relevant parts of which are depicted in the following table, including whether those statutes require horizontal display or visibility from the rear aspect. Some statutes contain additional unique and notable requirements, which are provided as well.

State	Statute(s)	Requires Horizontal Display	Requires Visibility From Rear Aspect	Notable Requirements
Alabama	Ala.Code 1975 §§ 32-6-51, 40-12-258	“ upright position, right side up ”	“attached and plainly visible on the rear end”	
Alaska	AS § 28.10.171	“upper edge of the plate horizontal ”	“attached to the rear” “maintained in a location and condition so as to be clearly legible ”	

Arizona	A.R.S. § 28-2354		“on the rear” “ clearly visible ”	“peace officer shall not stop or issue a citation [for obscuring name of state at top of license plate] unless the peace officer has reasonable cause to believe there is another alleged violation of a motor vehicle law of this state.”
Arkansas	A.C.A. § 27-14-716	“ horizontal position”	“attached to the rear” “ clearly visible ” “ clearly legible ”	
California	West’s Ann.Cal. Vehicle Code § 5201	“ characters are upright and display from left to right ”	“ clearly visible ” “ clearly legible ”	
Colorado	C.R.S.A. § 42-3-202	“shall be horizontal ”	“rear of vehicle” “ clearly visible ” “ clearly legible ”	“approximate center of vehicle measured horizontally”
Connecticut	C.G.S.A. § 14-18	“shall be horizontal ”	“conspicuous place at the rear” “ entirely unobscured ” “ plainly legible ”	“fastened so as not to swing” “illuminated as to be legible at a distance of fifty feet”
Delaware	21 Del.C. § 2126		“attached to the rear” “ clearly visible ” “ clearly legible ”	
District of Columbia	D.C. Municipal Regulations 422.2, 422.4	“in a horizontal position”	“on the rear of the vehicle” “ clearly visible ”	
Florida	F.S.A. § 316.2085	“may be affixed horizontally to the ground so that the numbers and letters read from left to right ... numbers and	“must be permanently affixed” “remain clearly visible from the rear at all times”	

		letters read from top to bottom may be affixed perpendicularly to the ground”		
Georgia	Ga.Code Ann., § 40-2-41		“fastened to the rear” “ plainly visible ” “ legible at all times ”	
Hawaii	HRS § 249-7		“fastened to the rear”	
Idaho	IC § 49-428	“securely fastened”	“in the rear” “in a place and position to be clearly visible ”	
Illinois	625 ILCS 5/3-413	“may be mounted vertically as long as it is otherwise clearly visible”	“attached to the rear” “ clearly visible ” “ clearly legible ”	
Indiana	IC 9-18-2-26	“securely fastened, in a horizontal position” “upon the rear”	“in a place and position that are clearly visible ” “ not obstructed or obscured by tires, bumpers, accessories, or other opaque objects”	
Iowa	I.C.A. § 321.37		“attached to the rear” “permit full view of all numerals and letters printed on ... plate”	
Kansas	K.S.A. 8-133		“attached to the rear” “ clearly visible ” “ clearly legible ”	
Kentucky	KRS § 186.170		“upon the rear of the motor vehicle” “ legible at all times ”	

Louisiana	LSA-R.S. 32:53		“attached to the rear” “ clearly visible ” “ clearly legible ”	“placing ... license plate on a rear fender as long as it is facing to the rear of the vehicle”
Maine	29-A M.R.S.A. § 452	“must be displayed horizontally ”	“may not be attached to the front” “must always be plainly visible and legible ”	
Maryland	MD Code, Transportation, § 13-411	“in a horizontal position ”	“attached on the rear” “ clearly visible ”	“duty of every police officer to report ... all vehicles operated in violation of this section.”
Massachusetts	M.G.L.A. 90 § 6		“ displayed conspicuously ” “attached to the rear” “ plainly visible ” “numbers legible”	“plainly visible at a distance of 60 feet [at night]”
Michigan	M.C.L.A. 257.225	“in a horizontal position ”	“attached to the rear” “ clearly visible ” “ clearly legible ”	
Minnesota	M.S.A. § 169.79	“displayed horizontally or vertically”	“mounted on the rear” “ conspicuously displayed ” “ not obstructed ”	“identifying numbers and letters facing outward”
Mississippi	Miss. Code Ann. § 27-19- 31		“fastened immovably” “at the rear of the vehicle” “ plainly visible and legible ” “at night at a distance of 60 feet”	“law enforcement officers of this state shall remove from a motor vehicle or trailer any license tag and/or decals which are so defaced that proper identification cannot be reasonably made”

Missouri	V.A.M.S. 301.130	“either horizontally or vertically, with letters and numbers plainly visible”	“ clearly visible at night” “plainly visible” “reasonably clean”	“shall be aesthetically attractive”
Montana	MCA 61-3-301		“displayed on the rear” “ conspicuously displayed ” “ obviously visible and firmly attached”	
Nebraska	2016 Nebraska Laws L.B. 53	“securely fastened in an upright position ”	“ plainly visible at all times” “shall be kept clear ” “prominently displayed on the rear”	
Nevada	N.R.S. 482.275		“in a place and position to be clearly visible ” “must be attached to the rear”	
New Hampshire	N.H. Rev. Stat. § 261:75		“ displayed conspicuously ” “ kept clean ”	
New Jersey	N.J.S. 39:3-33		“displayed on the rear” “ clear and distinct ” “ plainly visible at all times of the day or night”	
New Mexico	N.M.S.A. 1978, § 66-3-18	“in a fixed horizontal position”	“attached to the rear” “ clearly visible ” “ clearly legible ”	
New York	McKinney’s Vehicle and Traffic Law § 411		“displayed on the rear”	

North Carolina	N.C.G.S.A. § 20-63	“horizontal upright position”	“attached to the rear” “ reasonably clean ”	
North Dakota	NDCC, 39-04-11	“horizontally and in an upright position”	“attached to the rear:” “ conspicuously displayed ” “ clearly visible ”	
Ohio	R.C. § 4503.21		“on the rear only” “ in plain view ” “not be covered by any material that obstructs their visibility ”	
Oklahoma	47 Okl.St. Ann. § 1113		“securely attached to the rear” “ clearly visible ”	
Oregon	O.R.S. § 803.540		“displayed on the rear” “ in plain view so as to be read easily by the public”	
Pennsylvania	75 Pa.C.S.A. § 1332	“may be mounted ... in a vertical manner if [number is aligned vertically]” “ shall not be mounted vertically [if numbers are horizontal]”	“unlawful to display [dirty, obscured, or illegible] plate”	
Rhode Island	Gen.Laws 1956, § 31-3-18	“in a horizontal position”	“attached to the rear” “ clearly visible ” “ clearly legible ”	

South Carolina	Code 1976 § 56-3-1240	“in a horizontal and upright position ” “if ... equipped with vertically mounted license plate brackets ... must be mounted vertically ”	“outside rear of the vehicle” “ clearly visible ” “ clearly legible ”	
South Dakota	SDCL § 32-5-98	“ horizontally and in an upright position ”	“on the rear of the vehicle” “ clearly visible ”	
Tennessee	T.C.A. § 55-4-110	“ horizontal position ” “if ... equipped with vertically mounted license plate brackets ... shall be mounted vertically ”	“attached to the rear of the vehicle” “ clearly visible ” “ clearly legible ”	
Texas	V.T.C.A. Transportation Code §§ 502.404, 547.322		“rear license plate” “[tail lamp] makes the plate clearly legible at a distance of 50 feet from the rear”	
Utah	U.C.A. 1953 § 41-1a-404	“in a horizontal position ”	“attached to the rear” “ clearly visible ” “ clearly legible ”	
Vermont	23 V.S.A. § 511	“shall be kept horizontal ”	“in a conspicuous place ” “attached to the rear of the vehicle” “entirely unobscured ” “ plainly legible ”	
Virginia	VA Code Ann. § 46.2-715		“attached to the rear” “ clearly visible ” “ clearly legible ”	

Washington	WA ST 46.16A.200	“attached in a horizontal position ”	“must be legible and clearly identifiable ” “ attached conspicuously ” “attached to the rear”	
West Virginia	W. Va. Code, § 17A-3-15	“securely fastened in a horizontal position ”	“attached to the rear” “ clearly visible ” “ clearly legible ”	
Wisconsin	W.S.A. 341.15	“attached firmly and rigidly in a horizontal position ”	“attached ... to the rear” “ conspicuous place ” “ legible condition ” “ readily and distinctly seen and read ”	“any peace officer may require the operator of any vehicle on which plates are not properly displayed to display such plates”
Wyoming	W.S.1977 § 31-2-205	“on the rear of the vehicle” “attached in a horizontal position ”	“ conspicuously displayed ” “ plainly visible ” “ clearly legible ”	

Discussion

Although research as to the Legislature’s original intent vis a vis license plate orientation for motorcycles did not reveal an explanation for the inconsistent treatment of automobile and motorcycle license plates, it did provide an opportunity to examine the language of the original statute at the time of enactment in 1921, presented here in relevant part:

The owner of each and every automobile which shall be driving upon the public highways of this State shall display on the front and rear of such vehicle, not less than fifteen inches or more than thirty-six inches from the ground **in a horizontal position**, and in such a way as not to swing, an identification mark, to be furnished by the Motor Vehicle Department.

* * *

Motorcycles shall also display two identification marks, **one on the front and one on the rear of each motor cycle**. All identification marks shall be kept clear

and distinct and free from grease, dusty or other blurring matter, so as to be plainly visible at all times during daylight and night. [Emphasis added.]

As with the contemporary version of N.J.S. 39:3-33, motorcycle operators in 1921 were not specifically required to display their license plates horizontally.

The Commission considered new language which would give motorcycle operators the option of mounting license plates either horizontally or vertically, provided they are clearly visible. The New Jersey Motor Vehicle Commission (MVC) indicated that it would not object to the optional vertical mounting of license plates, provided there is no proposal to change license plate production, as all license plates are printed horizontally. Other commenters agreed with – or did not raise objections to – optional vertical mounting.

But a number of commenters argued persuasively in favor of requiring motorcycle license plates to be displayed *horizontally*. A municipal prosecutor expressed concern as to why the requirement of horizontal mounting cannot be mandated for motorcycles, pointing out that horizontal mounting assists law enforcement officers in their routine duties involving motorcycles. The prosecutor explained that such a requirement would provide an additional element of safety for both motorcyclists and officers, since the officers are accustomed to observing horizontal plates and must get much closer to vertical motorcycle plates due to the smaller size of motorcycle plates with correspondingly smaller numbers and letters. In that commenter’s opinion, vertical mounting might be acceptable if vertical plates were available, but, as discussed above, the MVC has no plans to make this sort of change to license plate production. Also, the point was made that 19 states currently mandating horizontal motorcycle license plate display is not an insignificant number. (See table, above.)

In the course of its work on this project, the Commission became aware of a concern that horizontal license plate mounting may be problematic due to motorcycle rear chassis design. Outreach to New Jersey motorcycle retailers revealed that new motorcycles are factory-equipped with horizontal license plate display mounting, although some operators prefer to modify the stock mounts. One customized motorcycle – i.e., “chopper” – enthusiast and former police officer informed the Commission that horizontal display was possible and preferable even when the rear fender had been eliminated or modified so as to remove the stock horizontal mounting.

Proposed Revisions

To clarify the language of N.J.S. 39:3-33 in a way that resolves the issues raised, the Commission considered a suggestion to simply substitute the term “motor vehicle” for “automobile,” which would remove the ambiguity regarding plate orientation. N.J.S. 39:1-1, however, defines “motor vehicle” to include “all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.”³ To avoid the possibility of inadvertently expanding the scope of the project to include motor vehicles other than motorcycles, the Commission looked to statutory language used in other states.

³ N.J. STAT. ANN. 39:1-1 (West 2016).

Language contained in the license plate display statutes of Florida and Illinois would seem to best address the concerns expressed by law enforcement personnel during the Commission's preliminary outreach. Specifically, Florida's F.S.A. § 316.2085 requires that motorcycle operators display license plates in such a way as to "remain clearly visible from the rear at all times." This squarely addresses the concern articulated by numerous law enforcement officers that New Jersey that motorcycle license plates are often displayed so that they cannot be easily read from the rear aspect – even though mounted on the rear of the vehicle.

Although adopting a provision similar to the one contained in Illinois 625 ILCS 5/3-413, that a motorcycle license "may be mounted vertically as long as it is otherwise clearly visible," would clear up any confusion as to whether a ticket should be written for a vertical plate, the Commission found particularly credible the feedback discussed above, regarding safety and visibility, and also the fact that that virtually all new motorcycles are delivered with horizontal mounts. The Commission considered proposing language which would allow for the possibility of a future vertically-oriented motorcycle license plate, but, to avoid any appearance of promoting or requiring such a change, ultimately decided on a proposed revision specifying horizontal display only.

Appendix—Proposed Changes to Existing New Jersey Statute

Proposed additions are shown with underlining and deletions with strikethrough:

39:3-33. Identification mark or marks; display; registration plate inserts; issuance; requirements; use of fictitious numbers or plate with advertisement; violations; penalties

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; and provided, further, that the rear identification mark may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse. 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.

The identification mark or marks shall contain the number of the registration certificate of the vehicle and shall be of such design and material as prescribed pursuant to section 2 of P.L.1989, c. 202 (C. 39:3-33.9). 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.

No person shall drive a motor vehicle which has a license plate frame or identification marker holder that conceals or otherwise obscures any part of any marking imprinted upon the vehicle's registration plate or any part of any insert which the director, as hereinafter provided, issues to be inserted in and attached to that registration plate or marker.

The director is authorized and empowered to issue registration plate inserts, to be inserted in and attached to the registration plates or markers described herein. They may be issued in the place of new registration plates or markers; and inscribed thereon, in numerals, shall be the year in which registration of the vehicle has been granted.

No person shall drive a motor vehicle the owner of which has not complied with the provisions of this subtitle concerning the proper registration and identification thereof, nor drive a motor vehicle which displays a fictitious number, or a number other than that designated for the motor vehicle in its registration certificate. During the period of time between the application for motor vehicle registration and the receipt of registration plates from the division, no person shall affix a plate or marker for the purpose of advertisement in the position on a motor vehicle normally reserved for the display of the registration plates required by this section if the plate or marker is designed with a combination of letters, numbers, colors, or words to resemble the registration plates required by this section.