



# MICHIGAN STATE POLICE LEGAL UPDATE

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## CRIMINAL LAW AND PROCEDURE MANUAL

The third edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is now available for purchase in print and eBook formats.

The manual is published by [Kendall Hunt Publishing Co.](http://www.kendallhunt.com) Copies may be ordered online at [https://www.kendallhunt.com/michigan\\_criminal\\_law/](https://www.kendallhunt.com/michigan_criminal_law/) or by calling Kendall Hunt Customer Service at (800) 228-0810.

## VEHICLE CODE

**The mere presence of a towing ball attached to a vehicle which obscures or partially obscures the registration information on a registration plate is not a violation of the Michigan Vehicle Code.**

In [People v. Dunbar](#), police officers stopped the defendant for having an obstructed registration plate in violation of the Michigan Vehicle Code, specifically MCL 257.225(2). The officers' sole basis for the traffic stop was that they had difficulty reading a number on the registration plate because it was obstructed by a trailer towing ball attached to the rear bumper of the defendant's pickup truck. A subsequent search of the pickup truck revealed contraband. The defendant moved to suppress the evidence of the discovered contraband on the grounds that the stop violated his rights against unreasonable search and seizure. The trial court denied the motion to suppress.

The Michigan Court of Appeals noted that the Fourth Amendment guarantees the right of the people against unreasonable searches and seizures. The Court also noted that the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred.

MCL 257.225(2) provides, in pertinent part, that "[a vehicle's registration] plate shall be

maintained free from foreign materials that obscure or partially obscure the registration information and in a clearly legible condition." Other than the obstructed plate, the officers testified that the defendant was driving safely, they did not see him violate any other traffic laws governing vehicles.

The Court held that the mere presence of a towing ball is not a violation of MCL 257.225(2). The Court reasoned that MCL 257.225(2) only applies to obstructions that are actually on the registration plate itself. The Court noted that the statute does not reference trailer hitches, towing balls, or other commonly used towing equipment that might partially obscure the view of an otherwise legible plate. The Court found there was no evidence that *the plate* on the defendant's truck was not maintained free of foreign materials nor was there evidence that the plate was dirty, rusted, defaced, scratched, snow-covered, or otherwise not "maintained" in legible condition.

Since there was no evidence that *the plate* on the defendant's truck was not maintained free of foreign materials and in a clearly legible manner, and there was no other basis for the stop, the Court found that no traffic violation had occurred and the officers did not have reasonable grounds to believe the defendant was in violation of the Michigan Vehicle Code. Accordingly, the Court reversed the trial court and held that the evidence seized during the search of the defendant's truck was suppressed.

As a result of the Court's opinion, officers should only stop vehicles for a violation of MCL 257.225(2) when an obstruction is directly on the plate.

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