



MICHIGAN STATE POLICE LEGAL UPDATE

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CRIMINAL LAW AND PROCEDURE MANUAL

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VEHICLE CODE

The presence of a towing ball attached to a vehicle which obscures or partially obscures the registration plate is a violation of the Michigan Vehicle Code

Legal Update No. 110 discussed the Michigan Court of Appeals' opinion in *People v. Dunbar*. In this case, police officers stopped the defendant for having an obstructed registration plate in violation of [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. The Court of Appeals held that the mere presence of a towing ball which obscures or partially obscures the registration plate affixed to a vehicle 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 Michigan Supreme Court has reversed the Court of Appeals' judgment. In its unanimous [opinion](#), the Supreme Court held that [MCL 257.225\(2\)](#) requires a vehicle's registration plate and surrounding attachments to be configured in such a manner that the registration plate is not partially or fully obstructed.

[MCL 257.225\(2\)](#) regulates the placement and condition of registration plates:

A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position that is clearly visible. The plate shall

be maintained free from foreign materials that obscure or partially obscure the registration information and in a clearly legible condition.

The Supreme Court noted the second and third sentences of [MCL 257.225\(2\)](#) impose separate and distinct duties. The second sentence requires that the registration plate be attached where it can be seen without obstruction. The third sentence requires that the registration plate itself be maintained free from foreign materials so that it may be read without obstruction (i.e., ensure that no foreign materials adhere to the registration plate and thus obscure the plate and registration information).

The Supreme Court noted one can comply with the third sentence by maintaining a legible registration plate, yet still violate the second sentence by failing to attach the legible registration plate in a place and position where it can be seen without obstruction. Accordingly, the Supreme Court concluded that [MCL 257.225\(2\)](#) prohibits a registration plate from being obstructed by an object attached to a vehicle and the defendant violated the statute because the towing ball attached to his truck partially obstructed the truck's registration plate from the view of the police officers following him.

Officers should be aware that the Supreme Court noted the obstruction of the defendant's registration plate was not based on an object (e.g., building or pedestrian) or condition (e.g., snow or fog) outside of the defendant's control. Instead, the violation was based on an object fully within the defendant's control, a towing ball attached to his rear bumper. The Supreme Court stated nothing in [MCL 257.225\(2\)](#) shows the Legislature's intention to impose liability on a person on the basis of conduct or circumstances outside of his or her control.

Additionally, the Supreme Court did not decide whether [MCL 257.225\(2\)](#) is violated when a trailer hitch is actually being used to tow a trailer and the combination of the hitch and trailer obstructs the registration plate. The Supreme Court noted that trailers are permitted under the Michigan Vehicle Code and trailers generally must have their own registration plates.

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