

## OBSTRUCTED LICENSE PLATES

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House Bill 5100 as reported from committee as (H-2)

Sponsor: Rep. Holly Hughes

Committee: Tourism and Outdoor Recreation

Complete to 11-14-17

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 147 of 2018)*

**BRIEF SUMMARY:** House Bill 5100 would amend the Michigan Vehicle Code to specify that a vehicle whose license plate is blocked from view by a device such as a tow ball, bicycle rack, or removable hitch, or by an object carried by that device, does not violate the Code's requirement that license plates be clearly visible and not obscured.

**FISCAL IMPACT:** House Bill 5100 would have no apparent fiscal impact on the state or local governments.

### **THE APPARENT PROBLEM:**

Section 225(2) of the Michigan Vehicle Code requires both that a license plate be attached to a vehicle "in a place and position that is clearly visible" and that the plate be kept legible and free from "foreign materials that obscure or partially obscure the registration information."

In 2016, the Michigan Supreme Court held that Section 225 prohibits obstruction of a license plate by an object attached to a vehicle—in that case, a towing ball attached to the rear bumper of a pickup truck that prevented police from reading one of the characters on the plate.<sup>1</sup>

Many Michigan drivers and tourists from out of state routinely use towing balls, bicycle racks, wheelchair carriers, hitches, and other devices attached to their vehicles in a way that might obstruct their license plates' visibility. The Court's decision meant that these drivers were, at least potentially, in violation of Section 225, and subject to a civil infraction, for commonplace activities that they had no previous reason to believe were in violation of the Code.

### **THE CONTENT OF THE BILL:**

House Bill 5100 would amend Section 225 of the Michigan Vehicle Code to stipulate that tow balls, bike racks, removable hitches, or similar devices used to carry objects on the back of a vehicle—or the objects carried by those devices—do not violate the provisions of that section requiring a license plate to be kept "clearly visible" and free from "materials that obscure or partially obscure the registration information."

The bill would take effect 90 days after its enactment.

MCL 257.225

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<sup>1</sup> *People v Dunbar*, 499 Mich 60 (2016).

## **ARGUMENTS:**

### **For:**

As the Michigan Supreme Court noted in its *Dunbar* decision, “Michiganders’ vehicles commonly have items such as trailer hitches and bicycle racks attached to them.” Supporters of the bill argue that these everyday devices were not what the Legislature intended to prohibit or penalize with the language in Section 225 regarding license plate placement and maintenance. To many bill supporters, House Bill 5100 proposes a technical change to clarify the original intent of the law in light of a judicial interpretation that has made that law too broadly applicable.

In addition, many of the devices potentially affected by the *Dunbar* decision—bike racks, towing balls, trailer hitches—are used in pursuit of recreational activities toward which the state has allocated considerable resources, and from which it receives considerable rewards. A study by the Michigan Department of Transportation (MDOT) estimated the total annual economic impact of bicycling alone in Michigan at \$668 million in 2014, with \$21.9 million coming from out-of-state participants in cycling tours and events.<sup>2</sup> Supporters of the bill ask why the state would discourage recreational users by subjecting them to a traffic law that targets the very devices they use in enjoying recreational activities that the state otherwise expends resources to encourage.

## **POSITIONS:**

Representatives of the following organizations testified in support of the bill:

- League of Michigan Bicyclists (11-1-17)
- Michigan Mountain Biking Association (11-1-17)
- Michigan Trails and Greenways Alliance (11-1-17)
- Mid-Michigan Mountain Bike Association (11-1-17)

The following organizations indicated support for the bill:

- Sierra Club (11-1-17)
- Michigan Environmental Council (11-1-17)

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Michael Cossen

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>2</sup> *Community and Economic Benefits of Bicycling in Michigan*, Phase I and Phase II final reports available at [http://www.michigan.gov/mdot/0,4616,7-151-9615\\_11223\\_64797\\_69435---,00.html](http://www.michigan.gov/mdot/0,4616,7-151-9615_11223_64797_69435---,00.html)