

## **N.J. traffic tickets: Windshield, license plate tickets on the rise**

### [Article Source](#)

Is there a little pine tree air freshener hanging from your rear view mirror? Does the piece of plastic around your license plate proclaim you the "No. 1 New York Mets fan"?

Don't be surprised if a police officer slaps you with a traffic ticket for either.

Over the last two years, the number of violations issued in New Jersey over the state's license plate and windshield obstruction laws have increased by 8 percent.

More than 111,000 motorists have received tickets for license plate infractions this year, an increase of more than 15,000 since 2015, according to an analysis of violation data from the New Jersey judiciary. The tickets flow even where it is often the dealer who attaches the non-conforming license plate holder.

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Each year brings even more violations than the last, with at least \$21.5 million in fines paid over the last three years.

That figure includes violations issued for obstruction and more serious charges of not having a front license plate or displaying a fictitious plate, which are all subsections of the same statute.

Windshield obstruction tickets have been issued to nearly 80,000 motorists this year, a slight increase over 2015 and in line to slightly surpass 2016 violations by year's end.

According to state law:

- A license plate frame or holder cannot "conceal or otherwise obscure any part of any marking" on the plate itself. That includes not only the license plate number, but the words "New Jersey" and "The Garden State" as well.
- It's illegal to have "any sign, poster, sticker or other non-transparent material upon the front windshield" or other front windows, other than state-issued decals, such as an inspection sticker.

In many cases, the drivers are thankful for the tickets, criminal defense attorney Ian Goldman said: An officer may issue that ticket as a warning instead of a pricier speeding, careless or reckless driving ticket.

A license plate or windshield obstruction ticket usually costs a driver \$47. Speeding, careless driving and reckless driving tickets cost \$85 to \$500 and come with anywhere from two to five penalty points on the violator's driving record.

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"But it certainly is abused at times," said Goldman, a former assistant prosecutor with the Ocean County Prosecutor's Office. "You don't want to have a blind spot, but an air freshener? That's an abuse. Everybody has one."

In many cases, the windshield and license plate laws have been used by police officers as the main reason to pull someone over.



"If I were pulled over because of an obstruction of a window, I'm definitely (angry) because I know that officer is fishing," Goldman said. "That's the bottom line. How can you not be mad if that's the probable cause?"

That "fishing" activity isn't limited to windshield or license plate laws, but usually involves minorities, said Alexander Shalom, a senior staff attorney with the American Civil Liberties Union of New Jersey.

"Everyone breaks the law every time they drive. Even the most careful driver is following too close or signaling too late," Shalom said. "Even if they have no evidence – just a hunch – but you're going 55 mph in a 55 mph zone, we don't look at what their true motivation is because you violated the law.

"If you have actually violated a traffic law, then it's fair game," Shalom said.

Such motor vehicle stops are protected by various federal and state laws. In 1996, the U.S. Supreme Court ruled that "any traffic offense committed by a driver was a legitimate legal basis for a stop."

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In that case, the court ruled that a drug search – and arrest – was valid, even though police pulled over a speeding vehicle after it turned without signaling.

State laws apply, as well: In New Jersey, police are prohibited from searching a vehicle unless there's a "reasonable suspicion." For example, if an officer smells marijuana after pulling over a speeding vehicle, they can search the car. The speeding violation itself isn't enough to validate the search.

But when it comes to traffic tickets, racial biases are still prevalent, according to one study.

Last year, researchers from Seton Hall University analyzed a year's worth of traffic tickets in the town of Bloomfield and found that 78 percent of people who received motor vehicle tickets were black or Latino, while just 20 percent of offenders were white. According to Census data, the town's population is about 44 percent white.



The Seton Hall study also found that 88 percent of all violations were handed out in the southern area of the town, which borders Newark and East Orange, both cities where a majority of residents are black.

"The Bloomfield Police run an extremely effective border patrol that targets people of color, and they employ discriminatory traffic stops and ticketing to produce a lucrative revenue stream for the Township," Seton Hall professor Mark Denbeaux said at the time.

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In order to stop a mass of motor vehicle stops, Shalom suggested legislators amend the laws to become "secondary" violations.

Police officers can still issue a ticket for a secondary violation, but they are prohibited from pulling over a motorist because of them.

But Goldman suggested doing away with the laws entirely.

"The real injustice is that these charges are there to begin with," he said. "If these statutes are abused to any extent, the bottom line is the Legislature needs to get rid of them."

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### **MORE TICKETS**

- New Jersey has collected nearly \$12 million on license plate violations since 2015.
- New Jersey has collected more than \$9.7 million on windshield obstruction violations since 2015.
- More than 111,000 license plate violations have been issued this year, a 16 percent increase since 2015.
- Nearly 80,000 windshield obstruction tickets have been issued this year, a slight increase over 2015.

*Source: New Jersey judiciary*