



# Virginia State Crime Commission

Tinted License Plate Covers

December 9, 2008

# Overview

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# Relevant Statute



- Virginia Code § 46.2-716(B) provides:
  - No colored plastic, bracket, holder, mounting, frame, or any other type of covering shall be placed, mounted, or installed on, around, or over any license plate if such glass, plastic, bracket, holder, mounting, frame, or other type of covering in any way alters or obscures
    - (i) the alpha-numeric information,
    - (ii) the color of the license plate,
    - (iii) the name or abbreviated name of the state wherein the vehicle is registered, or (iv) any character or characters, decal, stamp, or other device indicating the month or year in which the vehicle's registration expires.
- A violation is a traffic infraction, punishable by a fine of up to \$250 (Va. Code § 46.2-113).

# Analysis



- The phrasing of the statute (“in any way alters or obscures”) seems to indicate, in a general way, that no tinted or colored license plate covers are allowed in Virginia.
- There are no definite standards as to which commercially available tinted covers are legal, and which are illegal.
  - This is in contrast with Va. Code § 46.2-1052 (tinted windows), which specifies to what degree (i.e., 35%, 50%) total light transmittance may be reduced.

# Analysis



- There is reason to believe that sufficient authority exists under § 46.2-716(B) for law enforcement to make a stop, when a vehicle has any kind of tinted license plate cover.
- Since § 46.2-716(B) lacks a definite standard, Virginia residents who purchase the covers for aesthetic reasons may not realize that the tinted covers are illegal, and that they could be subject to the \$250 fine for this infraction.

# Policy Choices



- There are five different options available to the legislature:
- 1) Maintain the status quo.
- 2) Authorize and direct the State Police or DMV to promulgate regulations that provide more specificity as to which tinted license plate covers will be allowed in Virginia.

# Policy Choices (cont.)



- 3) Pass a statute, or authorize the promulgation of a regulation, that requires merchants to provide a warning to all customers who purchase a tinted license plate cover that use of such a cover may subject the driver to a traffic citation.
- 4) Authorize or encourage the State Police to have a public awareness campaign on this topic.

# Policy Choices (cont.)



- 5) Outlaw the sale of tinted license plate covers in Virginia, as we do with radar detectors (Va. Code § 46.2-1079).
  - Illinois took this approach in 2006. When they prohibited the use of all license plate covers, they also prohibited the sale of such covers within the state (625 Ill. Comp. Stat. 5/12-610.5).

# Discussion