

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to amendments of the New York City Department of Transportation's (DOT) "Traffic Rules" contained in Chapter 4 of Title 34 of the Rules of the City of New York to update provisions relating to license plate display requirements to align with the New York State Vehicle and Traffic Law.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903(b) of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter that DOT hereby amends Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published in the City Record on January 7, 2025, and a public hearing was held on February 6, 2025. DOT carefully reviewed the verbal and written comments that were submitted in response to the proposed rule. Nearly all of the public comments were in support of the proposed rule. Two comments questioned the legality of the proposed rule stating that it improperly regulates motor vehicles with out-of-state license plates. Specifically, the comments assert that New York City does not have the authority to require that out-of-state license plates be placed between 12 and 48 inches from the ground citing the Federal Motor Carrier Safety Administration's visibility standards (which has no height placement requirements for commercial vehicles) and Florida state law (which has less prohibitive height restrictions than New York City). The comments further argue that it would be unreasonable for someone with a Florida license plate to remove and re-affix their license plate before entering New York City in order to comply with the City's more restrictive requirements. In response, DOT notes that the provisions of the proposed rule that the commentators oppose 1) do not apply to out-of-state vehicles and 2) have not been amended from the existing rule. The height restriction—which reiterates those found in section 402(1)(a) of the New York State Vehicle and Traffic Law—specifically applies to vehicles with New York state license plates. The existing (and newly amended) rule has never imposed height restrictions for vehicles with out-of-state license plates. The proposed—now adopted—rule requires that out-of-state vehicles display a valid license plate that is not obscured or concealed and does not appear distorted when recorded by photo or video. For the aforementioned reasons, no changes were made to the adopted rule.

Statement of Basis and Purpose of Adopted Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The rule that DOT has adopted will be contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to the "Traffic Rules."

The adopted rule amends section 4-08(j) of the Rules of the City of New York to align with the new provisions of section 402(1)(b) of the New York State Vehicle and Traffic Law (VTL), which became effective on September 1, 2024, and addresses the issue of vehicle owners using obscured, concealed, or distorted license plates to avoid enforcement mechanisms. To that end, VTL section 402(1)(b) sets forth visibility requirements for all license plates by prohibiting anything—including dirt, rust, glass or plastic coverings, substances or materials—that causes a license plate to be unreadable, obscured, concealed, or distorted. The adopted rule makes conforming changes to section 4-08(j) of the Department's rules. Specifically, the amendments are as follows:

- Section 4-08(j)(2) is amended by deleting most of the existing provisions addressing license plate display requirements, which will be incorporated into a new paragraph (10);
- Section 4-08(j)(2) is further amended to clarify the display requirements for New York motorcycle license plates and out-of-state license plates;
- Section 4-08(j)(8) is amended by removing the term “license plates” from the list of identifying vehicle information that may not be concealed by a vehicle covering, which instead will be reflected in the new paragraph (10).
- Section 4-08(j) is amended by adding a new paragraph (10) prohibiting obscuring, concealing, or distorting license plate(s) in accordance with VTL § 402(1)(b).

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New material underlined.

[Deleted material is in brackets]

Section 1. Paragraph 2 of subdivision (j) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(2) *Valid plates must be properly displayed.* No person shall stand or park a vehicle required to bear a license plate unless such vehicle properly displays the current plate or plates lawfully issued to it. For the purposes of this paragraph (j)(2), New York plates shall not be deemed properly displayed unless they are: (i) conspicuously displayed, one on the front and one on the rear of the vehicle, each securely fastened so as to prevent the same from swinging [and], (ii) placed, whenever reasonably possible, not higher than 48 inches and not lower than 12 inches from the ground, and [they are] (iii) kept clean and in a condition so as to be readable [and shall not be covered by glass or any plastic material, and the view thereof shall not be obstructed by any part of the vehicle or by anything carried thereon, except for a receiver-transmitter issued by a publicly owned tolling facility in connection with electronic toll collection when such receiver-transmitter is affixed to the exterior of a vehicle in accordance with mounting instructions provided by the tolling facility]. New York dealer or transporter plates issued

pursuant to § 415 of the Vehicle and Traffic Law shall be deemed properly displayed if, in addition to complying with all other applicable requirements of this subdivision, the one plate issued is placed on the rear of the vehicle as described above. New York motorcycle plates and plates from other states shall be deemed properly displayed if, in addition to complying with all other applicable requirements of this subdivision, at least one plate is fastened on the rear of the vehicle.

§ 2. Paragraph 8 of subdivision (j) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(8) *Vehicle covers prohibited.* No person shall stand or park a vehicle having a cover on it that obscures the make, color, vehicle identification number (VIN), [license plates] and/or registration and inspection stickers, and/or restricts entry to the vehicle, if such vehicle is standing or parked in violation of posted rules.

§3. Subdivision (j) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (10) to read as follows:

(10) *Obscuring, concealing, or distorting plates prohibited.* No person shall stand or park a vehicle having a license plate that is:

- i. Covered by glass or any plastic material;
- ii. Covered or coated with any material or substance that conceals or obscures such plate or that distorts a recorded or photographic image of such plate;
- iii. Covered with a material appearing to be a number plate for display as proof of lawful registration, but which has not been lawfully issued by the commissioner of the department of motor vehicles, such commissioner's agent, or the equivalent official or agent from another state, territory, district, province, nation or other jurisdiction; or
- iv. Obstructed by any part of the vehicle or by anything carried thereon, except for a receiver-transmitter issued by a publicly owned tolling facility in connection with electronic toll collection when such receiver-transmitter is affixed to the exterior of a vehicle in accordance with mounting instructions provided by the tolling facility.