



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

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TO: ALL COUNTY PROSECUTORS
ALL MUNICIPAL PROSECUTORS
SUPERINTENDENT, DIVISION OF STATE POLICE
ALL LAW ENFORCEMENT CHIEF EXECUTIVES

FROM: JOHN J. FARMER, JR., ATTORNEY GENERAL OF NEW JERSEY

DATE: December 8, 2000

SUBJECT: **ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2000-5**
TEMPORARY SUSPENSION OF ENFORCEMENT OF *N.J.S.A. 39:3-33* FOR
VEHICLES EQUIPPED WITH EXTERIOR MOUNTED E-ZPASS TAG

In an effort to enhance the flow of traffic on the various toll roads and bridges in the Northeast and Mid-Atlantic Region, the toll transportation agencies in this State and the States of New York, Massachusetts, Delaware, Maryland and West Virginia and the related bi-State toll authorities formed a regional consortium to offer the E-ZPass Electronic Toll Collection technology. The introduction of this technology has proven to be extraordinarily successful in reducing delays and congestion on our roads and highways.

Most E-ZPass subscribers are issued an interior mounted E-ZPass tag that is affixed to the front windshield of the vehicle. The E-ZPass tag records the toll transactions for the vehicle, as it passes through the various participating toll facilities. However, effective February 2000, the operators of the E-ZPass Consortium began issuing an exterior mounted E-ZPass tag, rather than the interior mounted tag. These exterior mounted E-ZPass tags are issued to a specific group of vehicles equipped with special windshields containing glass that prevents the E-ZPass tag from being read properly through the windshields. The exterior mounted E-ZPass tag is designed as a license plate bracket to be affixed to the front license plate of a vehicle. When installed, a portion of the tag covers the words "New Jersey" at the top of the license plate. As a result, a vehicle equipped with an exterior mounted E-ZPass tag on the front license plate is in violation of *N.J.S.A. 39:3-33*, which prohibits the operation of a motor vehicle which has a license plate frame or identification marker holder that conceals or otherwise obscures any part of any marking imprinted upon the vehicle's registration plate.

THEREFORE, in order to accommodate those members of the motoring public who are issued the exterior mounted E-ZPass tag, I, JOHN J. FARMER, JR., Attorney General of



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Attorney General Law Enforcement Directive No. 2000-5:
Temporary Suspension of Enforcement of *N.J.S.A.* 39:3-33 for
Vehicles Equipped with Exterior Mounted E-ZPass Tag

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the State of New Jersey, by virtue of the authority vested in me by the Constitution of the State of New Jersey and the Criminal Justice Act of 1970, *N.J.S.A.* 52:17B-97 *et seq.*, do hereby **DIRECT** that:

1. All police and law enforcement agencies of this State and of the bi-State authorities functioning within and under the jurisdiction of the State of New Jersey SHALL NOT use or otherwise rely upon an apparent violation of *N.J.S.A.* 39:3-33, as reasonable suspicion or probable cause to stop a motor vehicle, if that motor vehicle is equipped with an exterior mounted E-ZPass tag on the front license plate of the motor vehicle.
 2. All police and law enforcement agencies of this State and of the bi-State authorities functioning within and under the jurisdiction of the State of New Jersey SHALL NOT issue a Uniform Traffic Ticket or other form of complaint or summons for a violation of *N.J.S.A.* 39:3-33 to the operator of a motor vehicle equipped with an exterior mounted E-ZPass tag on the front license plate of the motor vehicle.
 3. All Prosecutors shall review any motor vehicle complaint or summons pending in their respective Courts in which the complaint or summons was issued to the operator of a motor vehicle charging the operator with a violation of *N.J.S.A.* 39:3-33, where the violation was the result of the motor vehicle having been equipped with an exterior mounted E-ZPass tag on the front license plate of the motor vehicle. If, upon review, a Prosecutor determines that, consistent with this DIRECTIVE, the prosecution of the complaint or summons for the violation would not be in the interest of justice, the Prosecutor may, in the exercise of prosecutorial discretion, move the dismissal of the summons under *R.* 7:8-5 or *R.* 3:25-1.
- c. Commissioner James Weinstein, Department of Transportation
First Assistant Attorney General Paul H. Zoubek
Director Kathryn Flicker, Division of Criminal Justice
Acting Director Albert Ari, Division of Motor Vehicles
Hon. Richard J. Williams, J.A.D., Administrative Director of the Courts
Chief of Staff Debra L. Stone, Deputy Director, Operations, Division of Criminal Justice
Assistant Director Dennis L. Bliss, Municipal Court Service, AOC
AAG Greta Gooden Brown, Chief, Prosecutors & Police Bureau, Division of Criminal Justice