



Legal Update

Stop of Motor Vehicle with No Inspection Sticker Unreasonable

Commonwealth v. Jones, 100 Mass.App.Ct. 600 (2022)

Relevant facts

On November 18, 2017, two Massachusetts State troopers were on patrol in a marked cruiser. The troopers saw the defendant driving a car with no inspection sticker. Believing that a vehicle could not be legally driven without an inspection sticker, the troopers activated their lights to pull the car over. Meanwhile, the trooper in the passenger seat queried the plate on the mobile data terminal (MDT) and was able to access information about the car, including its registration status.

The troopers approached the vehicle and, after smelling the odor of an alcoholic beverage on the defendant's breath, began an OUI investigation. The defendant was ultimately arrested for OUI. After the stop, the troopers use the MDT to gather additional information, including the fact that the car was registered within the past seven days.

The defendant argued that the stop was unlawful because the troopers did not have a reasonable suspicion that a motor vehicle infraction had occurred. More specifically, he argued that, based upon the information available to the troopers at the time of the stop, it was unreasonable for the troopers to believe the car was being operated without being inspected in violation of 540 CMR 4.03(1).

Discussion:

It is well established that police officers may stop a vehicle when they observe a traffic violation. Because a stop of a motor vehicle implicates the 4th Amendment and art. 14, officers must have reasonable suspicion to conduct the stop.

Under Massachusetts law, motor vehicles must undergo annual safety inspections and the results must be displayed by affixing an inspection sticker to the windshield of the vehicle.

For specific guidance on the application of these cases or any law, please consult your supervisor or your department's legal advisor or prosecutor.

540 CMR 4.03(1)(a) also requires

“[e]very owner or person in control of a motor vehicle which is newly acquired in the Commonwealth [to] submit such motor vehicle for a required inspection within seven days of the date on which the motor vehicle is registered to said owner in the Commonwealth.”

“The regulations thus establish a seven-day grace period for inspecting newly purchased, newly registered vehicles.” This means that those vehicles may be lawfully operated during that seven-day period without an inspection.

The court distinguishes this case from Commonwealth v. Rivas, 77 Mass.App.Ct. 210 (2010). In that case, officers stopped a car that had a red rejection sticker. A red rejection sticker indicates that the vehicle failed the inspection because of a safety defect. The regulations give owners sixty days to fix a safety defect but allows owners to drive the vehicle during that sixty-day period if all the safety defects are rectified prior to driving the vehicle. An officer who sees a red rejection sticker has no way of knowing whether the safety defects have been remedied. The court reasoned that, because “the police could not have known whether the safety defects precipitating the vehicle’s rejection has been remedied, the police had reasonable suspicion to stop the defendant’s vehicle.” For these reasons, the court found the stop in Rivas was justified.

It was critical to the Rivas analysis that the officer could not have known whether the car was operating lawfully or not without stopping the car. The facts here are different because the troopers had the registration information, including the fact that the car was registered within the seven-day grace period of 540 CMR 4.03(1), readily available to them in the MDT before they stopped the defendant.

It is important to note that there was no evidence that the trooper’s ability to access the information was hindered in any way. The court commented in footnotes that there was nothing in the record to show any technological issue or practical reason to believe that the information in the MDT was not readily available to the troopers.

“We conclude that whether the troopers’ suspicion was reasonable in this case depended on all of the information reasonably available to them through the MDT in the cruiser before the stop, including information about the vehicle’s registration and inspection status. To the extent that the troopers overlooked information that was reasonably available to them and which would have dispelled their initial suspicion that the car was being operated unlawfully, they acted unreasonably.”

The vehicle here was stopped based upon the trooper’s mistaken belief that the vehicle was operating illegally because it did not have an inspection sticker. The fact that the mistake was in good faith “does not remedy the constitutional defects in the stop.”

The stop of the defendant’s motor vehicle was unreasonable. The order denying the motion to suppress was reversed.

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