STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	FOR PUBLICATION September 9, 2014
v	No. 314877 Muskegon Circuit Court
CHARLES ALMANDO-MAURICE DUNBAR, Defendant-Appellant.	LC No. 12-062736-FH

Before: METER, P.J., and O'CONNELL and SHAPIRO, JJ.

O'CONNELL, J. (*concurring*).

I concur with the result reached by the lead opinion. I write separately to state that MCL 257.225(2) is ambiguous. In fact, the statute casts a net so wide that it could be construed to make ordinary car equipment illegal, including equipment like bicycle carriers, trailers, and trailer hitches. This broad construction would render the statute unconstitutionally vague for failure to provide fair notice of the conduct the statute purports to proscribe. See *People v Hrlic*, 277 Mich App 260, 263; 744 NW2d 221 (2007). However, this Court must construe statutes to be constitutional if possible and must examine statutes in light of the particular facts at issue. *People v Harris*, 495 Mich 120, 134; 845 NW2d 477 (2014). Accordingly, I would interpret MCL 257.225(2) to require only that the *license plate itself* be maintained free from materials that obscure the registration information and that the *plate itself* be in a clearly legible condition.

This interpretation is consistent with the fair and natural import of the provisions in MCL 257.225(2), in view of the statute's subject matter. See *People v McGraw*, 484 Mich 120, 124; 771 NW2d 655 (2009) (provisions should be construed considering the subject matter of the statute). The subject matter of MCL 257.225 is the physical location and condition of license plates: section one addresses the license plate's location on a vehicle; section three addresses the colors used on license plates and expiration tabs; sections four and five address name plates, insignias, and advertising devices that could obscure the registration information on license plates. MCL 257.225(1), (3), (4), (5).[1] The statute does not address trailer hitches or other types

[1] After defendant's arrest in this case, the Legislature amended MCL 257.225 to add a section addressing license plates on historic military vehicles. MCL 257.225(6), 2014 PA 26. The

of car equipment. Given the limited subject matter of the statute, this Court should interpret section two of the statute to prohibit physical obstructions affixed to license plates. See *People v Gaytan*, 2013 Ill App 4th 120217; 992 NE2d 17, 24-25 (2013), lv granted 996 NE2d 18 (2013).

In this case, there is no evidence of any obstruction affixed to defendant's license plate. Consequently, there is no evidence that defendant was in violation of MCL 257.225(2), and the circuit court decision must be reversed.

/s/ Peter D. O'Connell

amendment also made minor punctuation and grammatical changes in section two. *Id.* The changes are not relevant to the analysis in this case.