



**STATE OF NEW YORK
DEPARTMENT OF MOTOR VEHICLES**

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

DAVID J. SWARTS
Commissioner

NEAL W. SCHOEN
Deputy Commissioner and Counsel

IDA L. TRASCHEN
First Assistant Counsel
Legal Bureau

August 13, 2010

David A. Seley
8 Churchill Road
Woburn, MA 01801

Dear Mr. Seley:

You have asked for a written opinion as to whether a moped, registered in Massachusetts and operated in New York as part of a moped road rally, may be legally operated here without bearing license plates. Section 401 of the NYS Vehicle and Traffic Law prohibits the operation of a motor vehicle in New York without it being registered according to the laws of this State, unless expressly provided for elsewhere in the Vehicle and Traffic Law. Section 250 of such law provides an exemption to out of state residents if the vehicle is lawfully registered in the operator's home state. That exemption applies only if the operator's home state provides for reciprocal exemption for New York drivers operating a motor vehicle in that state. Thus, if the vehicle is properly registered in Massachusetts, (and that state does not require license plates on mopeds) and that state provides a similar exemption to New York drivers, the Massachusetts registered vehicle may be legally operated in New York regardless of whether it bears license plates.

I hope this information is of assistance to you.

Very truly yours,

A handwritten signature in cursive script that reads "Sean J. Martin".

SEAN J. MARTIN
Assistant Counsel

SJM/hb