

The (Sufficiently) Old Oldsmobile

Fleetwood (not the Cadillac) Mac memorably advised, “Don’t stop thinkin’ about tomorrow” That could be rephrased to “Don’t stop (a car), thinkin’ about yesterday” to summarize the lesson of *Campbell v. Virginia*, decided on February 13, 2007 by the Court of Appeals of Virginia.

According to the Court, while on patrol, State Trooper Robert Leslie saw Eric Lee Campbell drive onto a public highway in a “’78 Oldsmobile, two door classic.” He further observed that the vehicle had “antique tags” (special license plates for cars at least 25 years old and “owned solely as a collector’s item” authorized under Virginia law) but no inspection sticker. Trooper Leslie stopped and detained him. The trooper then determined that Campbell’s driver’s license was suspended.

Campbell was charged with driving on a suspended license. At trial, Trooper Leslie testified that he stopped Campbell solely because his vehicle had no inspection sticker. Trooper Leslie also acknowledged that Virginia law provides a number of exceptions to the inspection sticker requirement for antique vehicles displaying antique tags.

Campbell filed a motion to suppress the evidence obtained as a result of the stop. He argued that his rights under the Fourth Amendment to the U.S. Constitution, prohibiting unreasonable searches and seizures, had been violated.

The trial court concluded the stop was justified, reasoning that Trooper Leslie could not determine whether Campbell met any of the antique tag exceptions without stopping and questioning him. The court thus denied Campbell’s motion.

Campbell was convicted. He appealed, claiming that the trial court erred in denying his motion.

The Court of Appeals agreed with Campbell.

The Court noted that Trooper Leslie had effected a “seizure” of Campbell for Fourth Amendment purposes when he stopped Campbell’s vehicle and detained him. To justify such action, a police officer must have a “reasonable suspicion supported by articulable [identifiable] facts that criminal activity ‘may be afoot.’”

“Accordingly, the stop of an automobile and the resulting detention of the driver is unreasonable under the Fourth Amendment absent a reasonable, articulable suspicion that the driver is unlicensed or that the automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violation of the law.”

“Under this objective standard, the officer must actually ‘articulate [such] reasonable basis to suspect criminal activity’ in order to justify an investigatory traffic stop. . . . In determining whether the officer has done so, we consider ‘the totality of the circumstances, including the officer’s knowledge, training, and experience.’”

“Trooper Leslie did not articulate a reasonable basis to suspect that Campbell was engaged in some illegal activity. Leslie conducted the traffic stop solely because Campbell’s vehicle displayed no inspection sticker, though, as Leslie acknowledged, exceptions to this requirement are specifically provided for antique vehicles displaying ‘antique tags.’ [Provisions of Virginia law] exempt antique vehicles with authorized antique license plates from the requirement of safety inspections and the display of inspection stickers when such vehicles are limited to certain uses. The permitted uses . . . consist of the following:

“1. For participation in club activities, exhibits, tours, parades, and similar events; and 2. On the highways of the Commonwealth for the purpose of testing their operation, obtaining repairs or maintenance, transportation to and from events . . . , and for occasional pleasure driving not exceeding 250 miles from the residence of the owner.

“Even if stopping and questioning Campbell was Trooper Leslie’s only way of determining his compliance with this code section, as the trial court reasoned in denying Campbell’s suppression motion, the stop was not permitted without a “‘particularized and objective basis” for suspecting legal wrongdoing.’ . . . Leslie did not articulate any reasons for suspecting that Campbell was operating his vehicle in violation of these permitted uses.”

“The potential random stops permitted under the reasoning advanced for justifying the stops at issue. . . would be exceedingly broad in scope [T]he occupants of every antique vehicle with antique license plates but no inspection sticker would be subject to seizure.”

“Such reasoning would also subject to random spot checks and seizure every operator of a motor vehicle, tractor or other equipment used on the highways for agricultural, horticultural, mining or commercial fishing purposes, which are exempt from displaying license plates and decals, pursuant to [Virginia law].”

“[S]uch results would not comport with Fourth Amendment protections against unreasonable searches and seizures.”

“The trial court erred in denying Campbell’s motion to suppress because the evidence of his driving on a suspended license was discovered through an unlawful traffic stop. Accordingly, Campbell’s conviction is reversed, and the case is remanded [sent back to the trial court] for such further proceedings as the Commonwealth be advised to take.” 

* * * * *

The decision in this case not only followed Constitutional directive, but also avoided frustrating the legislative acknowledgment that, because of their nature and use, old collector cars merit certain special treatment under the law.