

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2502

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE REGULATION OF TINTED AND DARKENED WINDSHIELDS; AND FOR  
3 RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 63-7-59, Mississippi Code of 1972, is  
6 amended as follows:

7 63-7-59. (1) No person shall drive any motor vehicle  
8 required to be registered in this state upon the public roads,  
9 streets or highways in this state with any sign or poster, or with  
10 any glazing material which causes a mirrored effect, upon the  
11 front windshield, side wings or side or rear windows of such  
12 vehicle, other than a certificate or other paper required or  
13 authorized to be so displayed by law. No person shall drive any  
14 motor vehicle required to be registered in this state upon the  
15 public roads, streets or highways in this state with any tinted  
16 film, glazing material or darkening material of any kind on the  
17 windshield of a motor vehicle except material designed to replace  
18 or provide a sun shield in the uppermost area as authorized to be  
19 installed by manufacturers of vehicles under federal law.

20 (2) From and after January 1, 1989, no person shall drive  
21 any motor vehicle required to be registered in this state upon the  
22 public roads, streets or highways in this state with any window so  
23 tinted or darkened, by tinted film or otherwise, that the interior  
24 of the vehicle is so obscured that a viewer with vision sufficient  
25 to qualify for a Mississippi driver's license cannot readily see  
26 into the interior of the vehicle by looking into it from outside

27 the vehicle; provided, however, this prohibition shall not apply  
28 to school buses, other buses used for public transportation, any  
29 bus or van owned or leased by a nonprofit organization duly  
30 incorporated under the laws of this state, any limousine owned or  
31 leased by a private or public entity or any other motor vehicle  
32 the windows of which have been tinted or darkened before factory  
33 delivery as permitted by federal law or federal regulations.  
34 Notwithstanding the prohibitions of this subsection, no person  
35 shall be charged with a violation of this subsection and it shall  
36 be a complete defense for any person charged with a violation of  
37 this subsection if \* \* \* each window of the vehicle upon which  
38 tinted or darkening material has been applied \* \* \* has a luminous  
39 reflectance not exceeding twenty percent (20%), and \* \* \* has a  
40 light transmittance of thirty-five percent (35%) or more.

41 \* \* \*

42 (3) Notwithstanding the provisions of subsections (1) and  
43 (2) of this section, it shall be lawful for any person who has  
44 been diagnosed by a licensed physician in this state as having a  
45 physical condition or disease which is seriously aggravated by  
46 minimum exposure to sunlight to place or have placed upon the  
47 windshield or windows of any motor vehicle which he owns or  
48 operates or within which he regularly travels as a passenger  
49 tinted film or other darkening material which would otherwise be  
50 in violation of this section. However, any such vehicle, in order  
51 to be exempt under this subsection, shall have prominently  
52 displayed on the vehicle dashboard a certificate of medical  
53 exemption on a form prepared by the Commissioner of Public Safety  
54 and signed by the person on whose behalf the certificate is  
55 issued. The special certificate authorized by this subsection (3)  
56 shall be issued free of charge to the applicants through the  
57 offices of the tax collectors of the counties. Each applicant  
58 shall present to the issuing official (a) an affidavit signed  
59 personally by the applicant and signed and attested by a physician  
60 which states the applicant's physical condition or disease which  
61 entitles him to an exemption under this subsection, and (b) proof  
62 of ownership of the motor vehicle by the applicant, or a signed  
63 affidavit by the owner of a motor vehicle operated for the use of

64 the applicant, for which he is obtaining the certificate.

65 (4) The windshield on every motor vehicle shall be equipped  
66 with a device for cleaning rain, snow or other moisture from the  
67 windshield, which device shall be so constructed as to be  
68 controlled or operated by the driver of the vehicle.

69 \* \* \*

70 (5) From and after July 1, 1988, no person shall install any  
71 tinted film, darkening material, glazing material or any other  
72 material upon the windshield or any window of a motor vehicle  
73 which, after the installation thereof, would result in such  
74 vehicle being in violation of subsection (1) or (2) of this  
75 section if driven on the public roads, streets or highways of this  
76 state after January 1, 1989.

77 (6) No motor vehicle inspection certificate shall be issued  
78 from and after January 1, 1989, for a vehicle on which the  
79 windshield or any window of the vehicle has been darkened by the  
80 installation of tinted film or by other means, except as  
81 authorized under this section. \* \* \*

82 \* \* \*

83 (7) Any person violating subsection (5) \* \* \* of this  
84 section, upon conviction, shall be punished by a fine of not more  
85 than One Thousand Dollars (\$1,000.00), or imprisonment in the  
86 county jail for not more than three (3) months, or by both such  
87 fine and imprisonment. \* \* \* Any other violation of this  
88 section \* \* \* shall be punishable upon conviction as provided in  
89 Section 63-7-7.

90 (8) Violations of this section shall be enforced only by law  
91 enforcement officers of the Mississippi Department of Public  
92 Safety and municipal law enforcement officers of municipalities  
93 having a population of two thousand (2,000) or more on the public  
94 roads, streets and highways under their jurisdiction.

95 (9) The Department of Public Safety shall initiate a public  
96 awareness program designed to inform and educate persons of the

97 provisions of this section. Funds for such public awareness  
98 program shall be available through the office of the Governor's  
99 representative for highway safety programs.

100 SECTION 2. This act shall take effect and be in force from  
101 and after its passage.