

By: Carlton

To: Judiciary

SENATE BILL NO. 2161

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.