HOUSE BILL NO. 949

To: Transportation

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001

By: Representative Compretta

AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT THE DEPARTMENT OF PUBLIC SAFETY ISSUE CERTIFICATES AND THAT MANUFACTURERS OF TINTED FILM OR DARKENING MATERIAL FOR PLACEMENT UPON MOTOR VEHICLE WINDOWS ISSUE LABELS CERTIFYING THAT THE WINDOWS OF MOTOR VEHICLES THAT HAVE BEEN TINTED OR DARKENED COMPLY WITH THE MAXIMUM ALLOWED PERCENTAGE OF LUMINOUS REFLECTANCE AND THE MINIMUM ALLOWED PERCENTAGE OF LIGHT TRANSMITTANCE; TO PROHIBIT MOTOR VEHICLE INSPECTION STATIONS FROM ISSUING A VEHICLE INSPECTION CERTIFICATE FOR ANY VEHICLE WITH A WINDSHIELD OR WINDOW THAT FAILS TO MEET SUCH MAXIMUM LUMINOUS REFLECTANCE PERCENTAGE OR MINIMUM LIGHT TRANSMITTANCE PERCENTAGE; TO REQUIRE TESTS FOR LUMINOUS REFLECTANCE AND LIGHT TRANSMITTANCE TO BE PERFORMED USING ONLY SPECIALLY MANUFACTURED CARDS APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 63-13-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

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

(2) *** No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or
highways in this state with any window so tinted or darkened, by
tinted film or otherwise, **unless the window:**

(a) Has a luminous reflectance not exceeding
twenty percent (20%); and

(b) Has a light transmittance of thirty-five
percent (35%) or more; or

(c) The person has been issued a certificate of
exemption for the vehicle issued by * * * the Department of Public
Safety as * * * provided in subsection (3) of this section.

(3) Notwithstanding the provisions of subsections (1) and
(2) of this section, it shall be lawful for any person who has
been diagnosed by a licensed physician in this state as having a
physical condition or disease which is seriously aggravated by
minimum exposure to sunlight to place or have placed upon the
windshield or windows of any motor vehicle which he owns or
operates or within which he regularly travels as a passenger
tinted film or other darkening material which would otherwise be
in violation of this section. However, any such vehicle, in order
to be exempt under this subsection, shall have prominently
displayed on the vehicle dashboard a certificate of medical
exemption on a form prepared by the Commissioner of Public Safety
and signed by the person on whose behalf the certificate is
issued. The special certificate authorized by this subsection (3)
shall be issued free of charge to the applicants through the
offices of the tax collectors of the counties. Each applicant
shall present to the issuing official (a) an affidavit signed
personally by the applicant and signed and attested by a physician
which states the applicant's physical condition or disease which
entitles him to an exemption under this subsection, and (b) proof
of ownership of the motor vehicle by the applicant, or a signed
affidavit by the owner of a motor vehicle operated for the use of
the applicant, for which he is obtaining the certificate.
(4) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(5) No person shall install any tinted film, darkening material, glazing material or any other material upon the windshield or any window of a motor vehicle which, after the installation thereof, would result in such vehicle being in violation of subsection (1) or (2) of this section if driven on the public roads, streets or highways of this state.

(6) No motor vehicle inspection certificate shall be issued for a vehicle on which the windshield or any window of the vehicle has been darkened by the installation of tinted film or by other means, in violation of this section, or which windshield or any window of the vehicle does not comply with the light transmittance requirements of subsection (2) of this section, unless a certificate of exemption has been issued for the vehicle under subsection (3) of this section.

(7) It shall be unlawful for any motor vehicle inspection station, or any employee thereof, to knowingly issue a motor vehicle inspection certificate for a vehicle in violation of this section.

(8) Motor vehicles shall be tested for compliance with the light transmittance requirements of this section only with specially manufactured cards designed for such purpose and approved by the Department of Public Safety.

(9) Any person violating subsection (5) or (7) of this section, upon conviction, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment.
(10) Any violation of this section other than a violation as described in subsection (9) of this section shall be punishable upon conviction as provided in Section 63-9-11.

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

(12) The Department of Public Safety shall initiate a public awareness program designed to inform and educate persons of the provisions of this section. Funds for such public awareness program shall be available through the office of the Governor's representative for highway safety programs.

SECTION 2. Section 63-13-9, Mississippi Code of 1972, is amended as follows:

63-13-9. Such inspections shall be made of every such vehicle, and such certificates shall be obtained with respect to the mechanism, lights, tires, brakes, windshield and windows as prescribed under Section 63-7-59, and equipment as shall be designated by the motor vehicle inspection department by rules and regulations.

No vehicle equipped with a liquefied petroleum or natural gas carburetion system may be issued a certificate under this chapter unless the vehicle shall have first been inspected and approved by an inspector or qualified installer authorized by the State Liquefied Compressed Gas Board to inspect and approve the installation of such systems, and unless such approval is exhibited to the person making the actual inspection under this chapter.

The Commissioner of Public Safety may suspend the registration of any vehicle which he determines is in such unsafe condition as to constitute a menace to safety and which, after

notice and demand, is not equipped as required in this chapter and for which a required certificate has not been obtained.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.