

By: Senator(s) Dearing

To: Judiciary

SENATE BILL NO. 2467

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

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

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

20 63-7-59. (1) No person shall drive any motor vehicle
 21 required to be registered in this state upon the public roads,
 22 streets or highways in this state with any sign or poster, or with
 23 any glazing material which causes a mirrored effect, upon the
 24 front windshield, side wings or side or rear windows of such
 25 vehicle, other than a certificate or other paper required or
 26 authorized to be so displayed by law. No person shall drive any
 27 motor vehicle required to be registered in this state upon the
 28 public roads, streets or highways in this state with any tinted
 29 film, glazing material or darkening material of any kind on the
 30 windshield of a motor vehicle except material designed to replace
 31 or provide a sun shield in the uppermost area as authorized to be
 32 installed by manufacturers of vehicles under federal law.

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

37 * * *

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

40 (b) Has a light transmittance of thirty-five percent
41 (35%) or more; or

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

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

66 affidavit by the owner of a motor vehicle operated for the use of
67 the applicant, for which he is obtaining the certificate.

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

72 * * *

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

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

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

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

95 (9) Any person violating subsection (5) or (7) of this
96 section, upon conviction, shall be punished by a fine of not more
97 than One Thousand Dollars (\$1,000.00), or imprisonment in the

98 county jail for not more than three (3) months, or by both such
99 fine and imprisonment.

100 (10) Any violation of this section other than a violation as
101 described in subsection (9) of this section shall be punishable
102 upon conviction as provided in Section 63-9-11.

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

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

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

115 63-13-9. Such inspections shall be made of every such
116 vehicle, and such certificates shall be obtained with respect to
117 the mechanism, lights, tires, brakes, windshield and windows as
118 prescribed under Section 63-7-59, and equipment as shall be
119 designated by the motor vehicle inspection department by rules and
120 regulations.

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

129 The Commissioner of Public Safety may suspend the
130 registration of any vehicle which he determines is in such unsafe

131 condition as to constitute a menace to safety and which, after
132 notice and demand, is not equipped as required in this chapter and
133 for which a required certificate has not been obtained.

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