

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.