SENIATE BILL NO. 3002

AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIREMENTS GOVERNING THE TINTING OF WINDOWS OF MOTOR VEHICLES; 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) (a) From and after January 1, 1989, 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, that the interior of the vehicle is so obscured that a viewer with vision sufficient to qualify for a Mississippi driver's license cannot readily see into the interior of the vehicle by looking into it from outside the vehicle; provided, however, this
(b) No vehicle upon which tinted or darkening material has been applied shall receive a state inspection certificate unless each window of the vehicle meets the following requirements:

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

(ii) Has a light transmittance of thirty-five percent (35%) or more.

(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

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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) Before shipping or making any tinted film or darkening
material available for installation on a motor vehicle in this
state, the manufacturer shall apply to the Commissioner of Public
Safety for approval and registration of its tinted film or
darkening material with the light transmittance and
reflectance standards established under subsection (2) of this
section. The commissioner shall approve no tinted film or
darkening material upon the window of a vehicle unless the
manufacturer demonstrates that the film complies with the
provisions of this section.

(6) 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.

(7) 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, except as authorized under this section.
Inspection certificates shall be issued to motor vehicles which
have been inspected by state-licensed motor vehicle inspection
stations and been determined to qualify therefor. The
Commissioner of Public Safety shall promulgate rules and
regulations to specify how inspection stations shall determine
whether a window tint meets state requirements.

(8) Any person violating subsection (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. Any other violation of this
section shall be punishable upon conviction as provided in
Section 63-7-7.

(9) 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.

(10) 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. This act shall take effect and be in force from