

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 3002

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE REQUIREMENTS GOVERNING THE TINTING OF WINDOWS OF MOTOR  
3 VEHICLES; AND FOR 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) (a) From and after January 1, 1989, no person shall  
21 drive any motor vehicle required to be registered in this state  
22 upon the public roads, streets or highways in this state with any  
23 window so tinted or darkened, by tinted film or otherwise, that  
24 the interior of the vehicle is so obscured that a viewer with  
25 vision sufficient to qualify for a Mississippi driver's license  
26 cannot readily see into the interior of the vehicle by looking  
27 into it from outside the vehicle; provided, however, this



28 prohibition shall not apply to school buses, other buses used for  
29 public transportation, any bus or van owned or leased by a  
30 nonprofit organization duly incorporated under the laws of this  
31 state, any limousine owned or leased by a private or public entity  
32 or any other motor vehicle the windows of which have been tinted  
33 or darkened before factory delivery as permitted by federal law or  
34 federal regulations. \* \* \*

35           (b) \* \* \* No vehicle upon which tinted or darkening  
36 material has been applied shall receive a state inspection  
37 certificate unless each window of the vehicle meets the following  
38 requirements:

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

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

43 \* \* \*

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



61 personally by the applicant and signed and attested by a physician  
62 which states the applicant's physical condition or disease which  
63 entitles him to an exemption under this subsection, and (b) proof  
64 of ownership of the motor vehicle by the applicant, or a signed  
65 affidavit by the owner of a motor vehicle operated for the use of  
66 the applicant, for which he is obtaining the certificate.

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

71 \* \* \*

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

82 \* \* \*

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

89 (7) No motor vehicle inspection certificate shall be  
90 issued \* \* \* for a vehicle on which the windshield or any window  
91 of the vehicle has been darkened by the installation of tinted  
92 film or by other means, except as authorized under this section.  
93 Inspection certificates shall be issued to motor vehicles which



94 have been inspected by state-licensed motor vehicle inspection  
95 stations and been determined to qualify therefor. The  
96 Commissioner of Public Safety shall promulgate rules and  
97 regulations to specify how inspection stations shall determine  
98 whether a window tint meets state requirements.

99 \* \* \*

100 (8) Any person violating subsection (7) \* \* \* of this  
101 section, upon conviction, shall be punished by a fine of not more  
102 than One Thousand Dollars (\$1,000.00), or imprisonment in the  
103 county jail for not more than three (3) months, or by both such  
104 fine and imprisonment. \* \* \* Any other violation of this  
105 section \* \* \* shall be punishable upon conviction as provided in  
106 Section 63-7-7.

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

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

117 **SECTION 2.** This act shall take effect and be in force from  
118 and after January 1, 2003.

