To: Transportation

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representative Chism

HOUSE BILL NO. 427

AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO REQUIRE MOTOR VEHICLE INSPECTION STATIONS, WHEN PERFORMING VEHICLE INSPECTIONS, TO CONDUCT A TEST OF THE LUMINOUS REFLECTANCE AND LIGHT TRANSMITTANCE OF WINDOWS OF MOTOR VEHICLES THAT HAVE BEEN TINTED OR DARKENED AFTER FACTORY DELIVERY; TO DELETE THE REQUIREMENT THAT MANUFACTURERS OF MOTOR VEHICLE WINDOW TINT OR DARKENING MATERIAL APPLY TO THE COMMISSIONER OF PUBLIC SAFETY FOR REGISTRATION AND APPROVAL OF ITS TINT OR DARKENING MATERIAL AND SUPPLY TO THE CONSUMER AN APPROVED LABEL ALONG WITH THE PRODUCT AT THE TIME OF SALE OR DISTRIBUTION IN THIS STATE; TO AMEND SECTION 63-13-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO AMEND SECTION 63-13-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE MOTOR VEHICLE INSPECTION STATIONS TO COLLECT AND RETAIN AN ADDITIONAL FEE FOR CONDUCTING TESTS OF THE LUMINOUS REFLECTANCE AND LIGHT TRANSMITTANCE OF MOTOR VEHICLE WINDOWS; 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) 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 prohibition shall not apply
to school buses, other buses used for public transportation, any
bus or van owned or leased by a nonprofit organization duly
incorporated under the laws of this state, any limousine owned or
leased by a private or public entity or any other motor vehicle
the windows of which have been tinted or darkened before factory
delivery as permitted by federal law or federal regulations.
Notwithstanding the prohibitions of this subsection, no person
shall be charged with a violation of this subsection and it shall
be a complete defense for any person charged with a violation of
this subsection if:

(a) Each window of the vehicle upon which tinted or
darkening material has been applied has affixed to it a label
approved under subsection (8) of this section certifying that the
window:

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

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

(b) The person has a certificate of medical exemption
for the vehicle issued under subsection (6) of this section.

(3) Subsection (2) of this section shall stand repealed from
and after July 1, 2003.

(4) From and after July 1, 2004, 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
tinted or darkened, by tinted film or otherwise, unless:
(a) Each window of the vehicle upon which tinted or darkening material has been applied has affixed to it a label as provided under subsection (8) of this section certifying that the window:

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

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

(b) The person has a certificate of medical exemption issued under subsection (6) of this section.

(5) The prohibitions of subsection (4) of this section shall not apply to school buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state, any limousine owned or leased by a private or public entity or any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations.

(6) Notwithstanding the provisions of subsection (2) or (4) 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 (6) 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. (7) 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. (8) From and after July 1, 2003, the Department of Public Safety shall issue labels to official motor vehicle inspection stations for affixing to every motor vehicle required to be inspected in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery. The label shall be affixed to the lower left corner of each such window, shall be legible from outside the vehicle, and shall indicate the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The labels shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size. Before affixing the label, the inspection station shall conduct a test to determine that the window complies with the luminous reflectance and light transmittance requirements prescribed under subsection (2) or (4) of this section. The test shall be conducted using specially manufactured cards or devices approved and certified not less often than annually by the Department of Public Safety. For conducting such tests, motor vehicle inspection stations may charge and collect a fee as prescribed in Section 63-13-11.
The presence of such label upon the window of a motor vehicle shall indicate that the person who affixed the label certifies that the window meets the restrictions of subsection (2) or (4) of this section as to luminous reflectance and light transmittance.

(9) * * * 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 (2) or (4) of this section * * *.

(10) No motor vehicle inspection certificate shall be issued from and after July 1, 2003, 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 may be issued for motor vehicles which have labels affixed pursuant to subsection (8) of this section and for motor vehicles for which a certificate of medical exemption has been issued * * * pursuant to subsection (6) of this section.

(11) It shall be unlawful for any person to alter or reproduce any label or certificate of medical exemption approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection stations, or to knowingly use any approved label or certificate except as authorized by this section.

(12) Any person violating subsection (9), (10) or (11) 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.

(13) Any violation of this section other than a violation of subsection (9), (10) or (11) of this section shall be punishable upon conviction as provided in Section 63-7-7.
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.

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 and equipment, including a test to determine the luminous reflectance and light transmittance of the windows of vehicles that have been tinted or darkened after factory delivery, 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. Section 63-13-11, Mississippi Code of 1972, is amended as follows:

63-13-11. (1) A fee of Five Dollars ($5.00) shall be charged for an inspection and issuance of a certificate of inspection for vehicles registered in this state. A fee of Ten Dollars ($10.00) shall be charged for an inspection and issuance of a certificate of inspection for vehicles registered in another state unless a reciprocal agreement, as provided for in Section 63-13-7 has been approved, in which event no Mississippi certificate of inspection shall be required. The fee for state registered vehicles shall include a charge of Two Dollars ($2.00) per certificate of inspection, which shall be remitted to the Mississippi Department of Public Safety. The fee for motor vehicles registered in another state includes a charge of Nine Dollars ($9.00) per certificate of inspection, which shall be remitted to the Department of Public Safety. The funds so received by the department shall be deposited in the General Fund of the State Treasury in accordance with the provisions of Section 45-1-23(2). The portion of the fee which is not remitted to the department may be retained by the official inspection stations.

(2) In addition to the fees prescribed under subsection (1) of this section, an official inspection station may charge a fee of Five Dollars ($5.00) for conducting a test of the luminous reflectance and light transmittance of vehicle windows that have been tinted or darkened after factory delivery. Such fee may be retained by the inspection station.

SECTION 4. This act shall take effect and be in force from and after July 1, 2003.