SENATE BILL NO. 2224

AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS MAY ENFORCE THE MOTOR VEHICLE TINTED WINDOW PROVISIONS OF THE UNIFORM HIGHWAY TRAFFIC REGULATIONS REGARDLESS OF THE SIZE OF SUCH MUNICIPALITY; 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 (6) 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 compliance for the
vehicle issued by a law enforcement officer of the Department of
Public Safety, as hereinafter provided.
(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 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) From and after July 1, 1988, any motor vehicle required to be registered in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery may have affixed to the lower left corner of each such window a label legible from outside the vehicle which indicates the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The label shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size.

(6) 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 and the label which may be used in the identification and certification of compliance with the light
transmittance and reflectance standards established under
subsection (2) of this section. The commissioner shall approve no
tinted film or darkening material or any label to be used upon the
window of a vehicle unless the manufacturer demonstrates that the
film and label comply with the provisions of this section.

(7) With every delivery of tinted film or darkening material
for installation upon the window of a motor vehicle in this state,
the manufacturer shall provide the label as approved by the
Commissioner of Public Safety with written instructions indicating
the proper location for placement of the label as required by this
section.

(8) Any labels approved by the Commissioner of Public Safety
under subsection (6) of this section may be affixed to the windows
of a motor vehicle which have been tinted or darkened with any
tinted film or other darkening material after factory delivery.
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) of this
section as to luminous reflectance and light transmittance.

(9) From and after July 1, 1988, 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 after January 1, 1989.

(10) No motor vehicle inspection certificate shall be issued
from and after January 1, 1989, 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 labels affixed pursuant to
subsection (8) of this section and to motor vehicles for which a
certificate of compliance has been issued by a law enforcement
officer of the Department of Public Safety pursuant to subsection
(12) of this section.

(11) It shall be unlawful for any person to alter or
reproduce any label 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 except as authorized by this section.

(12) Motor vehicles which do not have labels affixed
pursuant to subsection (8) of this section shall be tested for
compliance with the light transmittance requirements of this
section by law enforcement officers of the Department of Public
Safety. Such tests shall be performed with specially manufactured
cards designed for such purpose and issued to officers by the
Department of Public Safety. Motor vehicles in compliance shall
be issued certificates of compliance in a form prescribed by the
Department of Public Safety.

(13) Any person violating subsection (9) 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.

(14) Any violation of this section other than a violation as
described in subsection (13) of this section shall be punishable
upon conviction as provided in Section 63-7-7.

(15) 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 on the public roads, streets and highways
under their jurisdiction.

(16) 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 and after July 1, 2003.