

By: Senator(s) Jackson

To: Judiciary

SENATE BILL NO. 2224

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS MAY ENFORCE THE
3 MOTOR VEHICLE TINTED WINDOW PROVISIONS OF THE UNIFORM HIGHWAY
4 TRAFFIC REGULATIONS REGARDLESS OF THE SIZE OF SUCH MUNICIPALITY;
5 AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 63-7-59, Mississippi Code of 1972, is
8 amended as follows:

9 63-7-59. (1) No person shall drive any motor vehicle
10 required to be registered in this state upon the public roads,
11 streets or highways in this state with any sign or poster, or with
12 any glazing material which causes a mirrored effect, upon the
13 front windshield, side wings or side or rear windows of such
14 vehicle, other than a certificate or other paper required or
15 authorized to be so displayed by law. No person shall drive any
16 motor vehicle required to be registered in this state upon the
17 public roads, streets or highways in this state with any tinted
18 film, glazing material or darkening material of any kind on the
19 windshield of a motor vehicle except material designed to replace
20 or provide a sun shield in the uppermost area as authorized to be
21 installed by manufacturers of vehicles under federal law.

22 (2) From and after January 1, 1989, no person shall drive
23 any motor vehicle required to be registered in this state upon the
24 public roads, streets or highways in this state with any window so
25 tinted or darkened, by tinted film or otherwise, that the interior
26 of the vehicle is so obscured that a viewer with vision sufficient
27 to qualify for a Mississippi driver's license cannot readily see
28 into the interior of the vehicle by looking into it from outside



29 the vehicle; provided, however, this prohibition shall not apply
30 to school buses, other buses used for public transportation, any
31 bus or van owned or leased by a nonprofit organization duly
32 incorporated under the laws of this state, any limousine owned or
33 leased by a private or public entity or any other motor vehicle
34 the windows of which have been tinted or darkened before factory
35 delivery as permitted by federal law or federal regulations.
36 Notwithstanding the prohibitions of this subsection, no person
37 shall be charged with a violation of this subsection and it shall
38 be a complete defense for any person charged with a violation of
39 this subsection if:

40 (a) Each window of the vehicle upon which tinted or
41 darkening material has been applied has affixed to it a label
42 approved under subsection (6) of this section certifying that the
43 window:

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

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

48 (b) The person has a certificate of compliance for the
49 vehicle issued by a law enforcement officer of the Department of
50 Public Safety, as hereinafter provided.

51 (3) Notwithstanding the provisions of subsections (1) and
52 (2) of this section, it shall be lawful for any person who has
53 been diagnosed by a licensed physician in this state as having a
54 physical condition or disease which is seriously aggravated by
55 minimum exposure to sunlight to place or have placed upon the
56 windshield or windows of any motor vehicle which he owns or
57 operates or within which he regularly travels as a passenger
58 tinted film or other darkening material which would otherwise be
59 in violation of this section. However, any such vehicle, in order
60 to be exempt under this subsection, shall have prominently
61 displayed on the vehicle dashboard a certificate of medical



62 exemption on a form prepared by the Commissioner of Public Safety
63 and signed by the person on whose behalf the certificate is
64 issued. The special certificate authorized by this subsection (3)
65 shall be issued free of charge to the applicants through the
66 offices of the tax collectors of the counties. Each applicant
67 shall present to the issuing official (a) an affidavit signed
68 personally by the applicant and signed and attested by a physician
69 which states the applicant's physical condition or disease which
70 entitles him to an exemption under this subsection, and (b) proof
71 of ownership of the motor vehicle by the applicant, or a signed
72 affidavit by the owner of a motor vehicle operated for the use of
73 the applicant, for which he is obtaining the certificate.

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

78 (5) From and after July 1, 1988, any motor vehicle required
79 to be registered in this state with a window therein which has
80 been tinted or darkened with any tinted film or other darkening
81 material after factory delivery may have affixed to the lower left
82 corner of each such window a label legible from outside the
83 vehicle which indicates the label registration number, a
84 certification of compliance with Mississippi law, and such other
85 information as the Commissioner of Public Safety deems
86 appropriate. The label shall be of a type which is
87 pressure-sensitive, self-destructive upon removal, and no larger
88 than one (1) inch square in size.

89 (6) Before shipping or making any tinted film or darkening
90 material available for installation on a motor vehicle in this
91 state, the manufacturer shall apply to the Commissioner of Public
92 Safety for approval and registration of its tinted film or
93 darkening material and the label which may be used in the
94 identification and certification of compliance with the light



95 transmittance and reflectance standards established under
96 subsection (2) of this section. The commissioner shall approve no
97 tinted film or darkening material or any label to be used upon the
98 window of a vehicle unless the manufacturer demonstrates that the
99 film and label comply with the provisions of this section.

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

106 (8) Any labels approved by the Commissioner of Public Safety
107 under subsection (6) of this section may be affixed to the windows
108 of a motor vehicle which have been tinted or darkened with any
109 tinted film or other darkening material after factory delivery.
110 The presence of such label upon the window of a motor vehicle
111 shall indicate that the person who affixed the label certifies
112 that the window meets the restrictions of subsection (2) of this
113 section as to luminous reflectance and light transmittance.

114 (9) From and after July 1, 1988, no person shall install any
115 tinted film, darkening material, glazing material or any other
116 material upon the windshield or any window of a motor vehicle
117 which, after the installation thereof, would result in such
118 vehicle being in violation of subsection (1) or (2) of this
119 section if driven on the public roads, streets or highways of this
120 state after January 1, 1989.

121 (10) No motor vehicle inspection certificate shall be issued
122 from and after January 1, 1989, for a vehicle on which the
123 windshield or any window of the vehicle has been darkened by the
124 installation of tinted film or by other means, except as
125 authorized under this section. Inspection certificates shall be
126 issued to motor vehicles which have labels affixed pursuant to
127 subsection (8) of this section and to motor vehicles for which a



128 certificate of compliance has been issued by a law enforcement
129 officer of the Department of Public Safety pursuant to subsection
130 (12) of this section.

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

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

145 (13) Any person violating subsection (9) or (11) of this
146 section, upon conviction, shall be punished by a fine of not more
147 than One Thousand Dollars (\$1,000.00), or imprisonment in the
148 county jail for not more than three (3) months, or by both such
149 fine and imprisonment.

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

153 (15) Violations of this section shall be enforced only by
154 law enforcement officers of the Mississippi Department of Public
155 Safety and municipal law enforcement officers of
156 municipalities * * * on the public roads, streets and highways
157 under their jurisdiction.

158 (16) The Department of Public Safety shall initiate a public
159 awareness program designed to inform and educate persons of the
160 provisions of this section. Funds for such public awareness



161 program shall be available through the office of the Governor's
162 representative for highway safety programs.

163 **SECTION 2.** This act shall take effect and be in force from
164 and after July 1, 2003.

