

By: Representative Woods

To: Transportation

HOUSE BILL NO. 164

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE MOTOR VEHICLE INSPECTION STATIONS, WHEN PERFORMING VEHICLE
 3 INSPECTIONS, TO CONDUCT A TEST OF THE LUMINOUS REFLECTANCE AND
 4 LIGHT TRANSMITTANCE OF WINDOWS OF MOTOR VEHICLES THAT HAVE BEEN
 5 TINTED OR DARKENED AFTER FACTORY DELIVERY; TO DELETE THE
 6 REQUIREMENT THAT MANUFACTURERS OF MOTOR VEHICLE WINDOW TINT OR
 7 DARKENING MATERIAL APPLY TO THE COMMISSIONER OF PUBLIC SAFETY FOR
 8 REGISTRATION AND APPROVAL OF ITS TINT OR DARKENING MATERIAL AND
 9 SUPPLY TO THE CONSUMER AN APPROVED LABEL ALONG WITH THE PRODUCT AT
 10 THE TIME OF SALE OR DISTRIBUTION IN THIS STATE; TO AMEND SECTION
 11 63-13-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
 12 PROVISIONS OF THIS ACT; TO AMEND SECTION 63-13-11, MISSISSIPPI
 13 CODE OF 1972, TO AUTHORIZE MOTOR VEHICLE INSPECTION STATIONS TO
 14 COLLECT AND RETAIN AN ADDITIONAL FEE FOR CONDUCTING TESTS OF THE
 15 LUMINOUS REFLECTANCE AND LIGHT TRANSMITTANCE OF MOTOR VEHICLE
 16 WINDOWS; AND FOR RELATED PURPOSES.

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

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

20 63-7-59. (1) No person shall drive any motor vehicle
 21 required to be registered in this state upon the public roads,
 22 streets or highways in this state with any sign or poster, or with
 23 any glazing material which causes a mirrored effect, upon the
 24 front windshield, side wings or side or rear windows of such
 25 vehicle, other than a certificate or other paper required or
 26 authorized to be so displayed by law. No person shall drive any
 27 motor vehicle required to be registered in this state upon the
 28 public roads, streets or highways in this state with any tinted
 29 film, glazing material or darkening material of any kind on the
 30 windshield of a motor vehicle except material designed to replace
 31 or provide a sun shield in the uppermost area as authorized to be
 32 installed by manufacturers of vehicles under federal law.

33 (2) From and after January 1, 1989, no person shall drive
 34 any motor vehicle required to be registered in this state upon the

35 public roads, streets or highways in this state with any window so
36 tinted or darkened, by tinted film or otherwise, that the interior
37 of the vehicle is so obscured that a viewer with vision sufficient
38 to qualify for a Mississippi driver's license cannot readily see
39 into the interior of the vehicle by looking into it from outside
40 the vehicle; provided, however, this prohibition shall not apply
41 to school buses, other buses used for public transportation, any
42 bus or van owned or leased by a nonprofit organization duly
43 incorporated under the laws of this state, any limousine owned or
44 leased by a private or public entity or any other motor vehicle
45 the windows of which have been tinted or darkened before factory
46 delivery as permitted by federal law or federal regulations.

47 Notwithstanding the prohibitions of this subsection, no person
48 shall be charged with a violation of this subsection and it shall
49 be a complete defense for any person charged with a violation of
50 this subsection if:

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

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

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

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

61 (3) Subsection (2) of this section shall stand repealed from
62 and after July 1, 2005.

63 (4) From and after July 1, 2005, no person shall drive any
64 motor vehicle required to be registered in this state upon the
65 public roads, streets or highways in this state with any window
66 tinted or darkened, by tinted film or otherwise, unless:

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

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

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

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

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

85 (6) Notwithstanding the provisions of subsection (2) or (4)
86 of this section, it shall be lawful for any person who has been
87 diagnosed by a licensed physician in this state as having a
88 physical condition or disease which is seriously aggravated by
89 minimum exposure to sunlight to place or have placed upon the
90 windshield or windows of any motor vehicle which he owns or
91 operates or within which he regularly travels as a passenger
92 tinted film or other darkening material which would otherwise be
93 in violation of this section. However, any such vehicle, in order
94 to be exempt under this subsection, shall have prominently
95 displayed on the vehicle dashboard a certificate of medical
96 exemption on a form prepared by the Commissioner of Public Safety
97 and signed by the person on whose behalf the certificate is
98 issued. The special certificate authorized by this subsection (6)
99 shall be issued free of charge to the applicants through the

100 offices of the tax collectors of the counties. Each applicant
101 shall present to the issuing official (a) an affidavit signed
102 personally by the applicant and signed and attested by a physician
103 which states the applicant's physical condition or disease which
104 entitles him to an exemption under this subsection, and (b) proof
105 of ownership of the motor vehicle by the applicant, or a signed
106 affidavit by the owner of a motor vehicle operated for the use of
107 the applicant, for which he is obtaining the certificate.

108 (7) The windshield on every motor vehicle shall be equipped
109 with a device for cleaning rain, snow or other moisture from the
110 windshield, which device shall be so constructed as to be
111 controlled or operated by the driver of the vehicle.

112 (8) From and after July 1, 2004, the Department of Public
113 Safety shall issue labels to official motor vehicle inspection
114 stations for affixing to every motor vehicle required to be
115 inspected in this state with a window therein which has been
116 tinted or darkened with any tinted film or other darkening
117 material after factory delivery. The label shall be affixed to
118 the lower left corner of each such window, shall be legible from
119 outside the vehicle, and shall indicate the label registration
120 number, a certification of compliance with Mississippi law, and
121 such other information as the Commissioner of Public Safety deems
122 appropriate. The labels shall be of a type which is
123 pressure-sensitive, self-destructive upon removal, and no larger
124 than one (1) inch square in size. Before affixing the label, the
125 inspection station shall conduct a test to determine that the
126 window complies with the luminous reflectance and light
127 transmittance requirements prescribed under subsection (2) or (4)
128 of this section. The test shall be conducted using specially
129 manufactured cards or devices approved and certified not less
130 often than annually by the Department of Public Safety. For
131 conducting such tests, motor vehicle inspection stations may
132 charge and collect a fee as prescribed in Section 63-13-11.

133 The presence of such label upon the window of a motor vehicle
134 shall indicate that the person who affixed the label certifies
135 that the window meets the restrictions of subsection (2) or (4) of
136 this section as to luminous reflectance and light transmittance.

137 (9) * * * No person shall install any tinted film, darkening
138 material, glazing material or any other material upon the
139 windshield or any window of a motor vehicle which, after the
140 installation thereof, would result in such vehicle being in
141 violation of subsection (2) or (4) of this section * * *.

142 (10) No motor vehicle inspection certificate shall be issued
143 from and after July 1, 2004, for a vehicle on which the windshield
144 or any window of the vehicle has been darkened by the installation
145 of tinted film or by other means, except as authorized under this
146 section. Inspection certificates may be issued for motor vehicles
147 which have labels affixed pursuant to subsection (8) of this
148 section and for motor vehicles for which a certificate of medical
149 exemption has been issued * * * pursuant to subsection (6) of this
150 section.

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

157 * * *

158 (12) Any person violating subsection (9), (10) or (11) of
159 this section, upon conviction, shall be punished by a fine of not
160 more than One Thousand Dollars (\$1,000.00), or imprisonment in the
161 county jail for not more than three (3) months, or by both such
162 fine and imprisonment.

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

166 (14) Violations of this section shall be enforced only by
167 law enforcement officers of the Mississippi Department of Public
168 Safety and municipal law enforcement officers of municipalities
169 having a population of two thousand (2,000) or more on the public
170 roads, streets and highways under their jurisdiction.

171 (15) The Department of Public Safety shall initiate a public
172 awareness program designed to inform and educate persons of the
173 provisions of this section. Funds for such public awareness
174 program shall be available through the office of the Governor's
175 representative for highway safety programs.

176 **SECTION 2.** Section 63-13-9, Mississippi Code of 1972, is
177 amended as follows:

178 63-13-9. Such inspections shall be made of every such
179 vehicle, and such certificates shall be obtained with respect to
180 the mechanism, lights, tires, brakes and equipment, including a
181 test to determine the luminous reflectance and light transmittance
182 of the windows of vehicles that have been tinted or darkened after
183 factory delivery, as shall be designated by the motor vehicle
184 inspection department by rules and regulations.

185 No vehicle equipped with a liquefied petroleum or natural gas
186 carburetion system may be issued a certificate under this chapter
187 unless the vehicle shall have first been inspected and approved by
188 an inspector or qualified installer authorized by the State
189 Liquefied Compressed Gas Board to inspect and approve the
190 installation of such systems, and unless such approval is
191 exhibited to the person making the actual inspection under this
192 chapter.

193 The Commissioner of Public Safety may suspend the
194 registration of any vehicle which he determines is in such unsafe
195 condition as to constitute a menace to safety and which, after
196 notice and demand, is not equipped as required in this chapter and
197 for which a required certificate has not been obtained.

198 **SECTION 3.** Section 63-13-11, Mississippi Code of 1972, is
199 amended as follows:

200 63-13-11. (1) A fee of Five Dollars (\$5.00) shall be
201 charged for an inspection and issuance of a certificate of
202 inspection for vehicles registered in this state. A fee of Ten
203 Dollars (\$10.00) shall be charged for an inspection and issuance
204 of a certificate of inspection for vehicles registered in another
205 state unless a reciprocal agreement, as provided for in Section
206 63-13-7 has been approved, in which event no Mississippi
207 certificate of inspection shall be required. The fee for state
208 registered vehicles shall include a charge of Two Dollars (\$2.00)
209 per certificate of inspection, which shall be remitted to the
210 Mississippi Department of Public Safety. The fee for motor
211 vehicles registered in another state includes a charge of Nine
212 Dollars (\$9.00) per certificate of inspection, which shall be
213 remitted to the Department of Public Safety. The funds so
214 received by the department shall be deposited in the General Fund
215 of the State Treasury in accordance with the provisions of Section
216 45-1-23(2). The portion of the fee which is not remitted to the
217 department may be retained by the official inspection stations.

218 (2) In addition to the fees prescribed under subsection (1)
219 of this section, an official inspection station may charge a fee
220 not to exceed Five Dollars (\$5.00) for conducting a test of the
221 luminous reflectance and light transmittance of vehicle windows
222 that have been tinted or darkened after factory delivery, but, no
223 fee may be charged unless such test is actually performed. Such
224 fee may be retained by the inspection station.

225 **SECTION 4.** This act shall take effect and be in force from
226 and after July 1, 2004.