

By: Representative Ward

To: Transportation

## HOUSE BILL NO. 734

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 AUTHORIZE MOTOR  
11 VEHICLE INSPECTION STATIONS TO COLLECT AN ADDITIONAL FEE FOR  
12 CONDUCTING TESTS OF THE LUMINOUS REFLECTANCE AND LIGHT  
13 TRANSMITTANCE OF MOTOR VEHICLE WINDOWS, AND TO PROVIDE FOR THE  
14 DISTRIBUTION OF SUCH FEE; TO AMEND SECTION 63-13-9, MISSISSIPPI  
15 CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND  
16 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, 2006.

63 (4) From and after July 1, 2006, 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 (a) 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 or any  
81 limousine owned or leased by a private or public entity; or (b)  
82 any 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, 2005, 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 such methods  
129 or devices as may be approved and certified not less often than  
130 annually by the Department of Public Safety. For conducting such  
131 tests, motor vehicle inspection stations shall charge and collect  
132 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee

133 shall be retained by the inspection station, and Three Dollars  
134 (\$3.00) of the fee shall be remitted to the Department of Public  
135 Safety. Of the fees remitted to the department, One Dollar  
136 (\$1.00) shall be retained by the department and may be expended,  
137 upon legislative appropriation, for the operational expenses of  
138 the department. The remaining Two Dollars (\$2.00) shall be  
139 deposited into the General Fund of the State Treasury as provided  
140 under Section 45-1-23(2). No fee shall be charged unless a test  
141 is actually performed under this subsection. The presence of such  
142 label upon the window of a motor vehicle shall indicate that the  
143 person who affixed the label certifies that the window meets the  
144 restrictions of subsection (2) or (4) of this section as to  
145 luminous reflectance and light transmittance.

146 (9) \* \* \* No person shall install any tinted film, darkening  
147 material, glazing material or any other material upon the  
148 windshield or any window of a motor vehicle which, after the  
149 installation thereof, would result in such vehicle being in  
150 violation of subsection (2) or (4) of this section \* \* \*.

151 (10) No motor vehicle inspection certificate shall be issued  
152 from and after July 1, 2005, for a vehicle on which the windshield  
153 or any window of the vehicle has been darkened by the installation  
154 of tinted film or by other means, except as authorized under this  
155 section. Inspection certificates may be issued for motor vehicles  
156 which have labels affixed pursuant to subsection (8) of this  
157 section and for motor vehicles for which a certificate of medical  
158 exemption has been issued \* \* \* pursuant to subsection (6) of this  
159 section.

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

166 \* \* \*

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

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

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

180 (15) The Department of Public Safety shall initiate a public  
181 awareness program designed to inform and educate persons of the  
182 provisions of this section. Funds for such public awareness  
183 program shall be available through the office of the Governor's  
184 representative for highway safety programs.

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

187 63-13-9. Such inspections shall be made of every such  
188 vehicle, and such certificates shall be obtained with respect to  
189 the mechanism, lights, tires, brakes and equipment, including a  
190 test to determine the luminous reflectance and light transmittance  
191 of the windows of vehicles that have been tinted or darkened after  
192 factory delivery, as shall be designated by the motor vehicle  
193 inspection department by rules and regulations.

194 No vehicle equipped with a liquefied petroleum or natural gas  
195 carburetion system may be issued a certificate under this chapter  
196 unless the vehicle shall have first been inspected and approved by  
197 an inspector or qualified installer authorized by the State  
198 Liquefied Compressed Gas Board to inspect and approve the

199 installation of such systems, and unless such approval is  
200 exhibited to the person making the actual inspection under this  
201 chapter.

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

207         **SECTION 3.** This act shall take effect and be in force from  
208 and after July 1, 2005.