

By: Representative Ward

To: Transportation

HOUSE BILL NO. 734
(As Passed the House)

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; TO
16 AMEND SECTION 63-13-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
17 CHARGE OF VIOLATING THE MOTOR VEHICLE SAFETY INSPECTION LAW SHALL
18 BE DISMISSED IF THE DEFENDANT PRESENTS TO THE COURT ON OR BEFORE
19 THE HEARING DATE OR THE DATE OF PAYMENT OF THE FINE A RECEIPT OR
20 OTHER PROOF SUFFICIENT TO SHOW THAT THE VEHICLE HAS BEEN INSPECTED
21 AND A VALID INSPECTION STICKER HAS BEEN ISSUED FOR THE VEHICLE;
22 AND FOR RELATED PURPOSES.

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

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

26 63-7-59. (1) No person shall drive any motor vehicle
27 required to be registered in this state upon the public roads,
28 streets or highways in this state with any sign or poster, or with
29 any glazing material which causes a mirrored effect, upon the
30 front windshield, side wings or side or rear windows of such
31 vehicle, other than a certificate or other paper required or
32 authorized to be so displayed by law. No person shall drive any
33 motor vehicle required to be registered in this state upon the
34 public roads, streets or highways in this state with any tinted
35 film, glazing material or darkening material of any kind on the
36 windshield of a motor vehicle except material designed to replace

37 or provide a sun shield in the uppermost area as authorized to be
38 installed by manufacturers of vehicles under federal law.

39 (2) From and after January 1, 1989, no person shall drive
40 any motor vehicle required to be registered in this state upon the
41 public roads, streets or highways in this state with any window so
42 tinted or darkened, by tinted film or otherwise, that the interior
43 of the vehicle is so obscured that a viewer with vision sufficient
44 to qualify for a Mississippi driver's license cannot readily see
45 into the interior of the vehicle by looking into it from outside
46 the vehicle; provided, however, this prohibition shall not apply
47 to school buses, other buses used for public transportation, any
48 bus or van owned or leased by a nonprofit organization duly
49 incorporated under the laws of this state, any limousine owned or
50 leased by a private or public entity or any other motor vehicle
51 the windows of which have been tinted or darkened before factory
52 delivery as permitted by federal law or federal regulations.
53 Notwithstanding the prohibitions of this subsection, no person
54 shall be charged with a violation of this subsection and it shall
55 be a complete defense for any person charged with a violation of
56 this subsection if:

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

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

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

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

67 (3) Subsection (2) of this section shall stand repealed from
68 and after July 1, 2006.

69 (4) From and after July 1, 2006, no person shall drive any
70 motor vehicle required to be registered in this state upon the
71 public roads, streets or highways in this state with any window
72 tinted or darkened, by tinted film or otherwise, unless:

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

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

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

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

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

91 (6) Notwithstanding the provisions of subsection (2) or (4)
92 of this section, it shall be lawful for any person who has been
93 diagnosed by a licensed physician in this state as having a
94 physical condition or disease which is seriously aggravated by
95 minimum exposure to sunlight to place or have placed upon the
96 windshield or windows of any motor vehicle which he owns or
97 operates or within which he regularly travels as a passenger
98 tinted film or other darkening material which would otherwise be
99 in violation of this section. However, any such vehicle, in order
100 to be exempt under this subsection, shall have prominently
101 displayed on the vehicle dashboard a certificate of medical

102 exemption on a form prepared by the Commissioner of Public Safety
103 and signed by the person on whose behalf the certificate is
104 issued. The special certificate authorized by this subsection (6)
105 shall be issued free of charge to the applicants through the
106 offices of the tax collectors of the counties. Each applicant
107 shall present to the issuing official (a) an affidavit signed
108 personally by the applicant and signed and attested by a physician
109 which states the applicant's physical condition or disease which
110 entitles him to an exemption under this subsection, and (b) proof
111 of ownership of the motor vehicle by the applicant, or a signed
112 affidavit by the owner of a motor vehicle operated for the use of
113 the applicant, for which he is obtaining the certificate.

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

118 (8) From and after July 1, 2005, the Department of Public
119 Safety shall issue labels to official motor vehicle inspection
120 stations for affixing to every motor vehicle required to be
121 inspected in this state with a window therein which has been
122 tinted or darkened with any tinted film or other darkening
123 material after factory delivery. The label shall be affixed to
124 the lower left corner of each such window, shall be legible from
125 outside the vehicle, and shall indicate the label registration
126 number, a certification of compliance with Mississippi law, and
127 such other information as the Commissioner of Public Safety deems
128 appropriate. The labels shall be of a type which is
129 pressure-sensitive, self-destructive upon removal, and no larger
130 than one (1) inch square in size. Before affixing the label, the
131 inspection station shall conduct a test to determine that the
132 window complies with the luminous reflectance and light
133 transmittance requirements prescribed under subsection (2) or (4)
134 of this section. The test shall be conducted using such methods

135 or devices as may be approved and certified not less often than
136 annually by the Department of Public Safety. For conducting such
137 tests, motor vehicle inspection stations shall charge and collect
138 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee
139 shall be retained by the inspection station, and Three Dollars
140 (\$3.00) of the fee shall be remitted to the Department of Public
141 Safety and may be expended, upon legislative appropriation, for
142 the operational expenses of the department. No fee shall be
143 charged unless a test is actually performed under this subsection.

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

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

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

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

168 * * *

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

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

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

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

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

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

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

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

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

209 **SECTION 3.** Section 63-13-8, Mississippi Code of 1972, is
210 amended as follows:

211 63-13-8. (1) A grace period for obtaining a valid
212 inspection sticker, according to the provisions of Chapter 13,
213 Title 63, Mississippi Code of 1972, shall be granted in the
214 following situations:

215 (a) Whenever a motor vehicle inspection sticker expires
216 on a legal holiday or on a weekend, the owner of the vehicle
217 involved shall have a grace period of three (3) days in which to
218 obtain a valid inspection sticker.

219 (b) Whenever a motor vehicle inspection sticker expires
220 while the vehicle is being repaired or restored, the owner of the
221 vehicle involved shall have a grace period of three (3) days in
222 which to obtain a valid inspection sticker. The period of three
223 (3) days shall start to run from the date the owner takes
224 possession of the vehicle after said expiration date.

225 (2) If the operator of a vehicle charged with a violation of
226 this chapter for failure to have a valid vehicle inspection
227 sticker presents to the court on or before the hearing date or the
228 date of payment of the fine a receipt or other proof sufficient to
229 show that the vehicle has been inspected and a valid inspection
230 sticker issued for the vehicle, no fine, fee, penalty, assessment
231 or court costs shall be imposed and the charge shall be dismissed.

232 **SECTION 4.** This act shall take effect and be in force from
233 and after July 1, 2005.