

By: Senator(s) Brown, Doxey

To: Judiciary, Division B

SENATE BILL NO. 2625

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 REVISE THOSE PERSONS AUTHORIZED TO CERTIFY WINDSHIELD TINTING AS
3 BEING IN COMPLIANCE WITH OPACITY LIMITS; AND FOR RELATED PURPOSES.

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

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

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

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

28 to school buses, other buses used for public transportation, any
29 bus or van owned or leased by a nonprofit organization duly
30 incorporated under the laws of this state, any limousine owned or
31 leased by a private or public entity or any other motor vehicle
32 the windows of which have been tinted or darkened before factory
33 delivery as permitted by federal law or federal regulations.
34 Notwithstanding the prohibitions of this subsection, no person
35 shall be charged with a violation of this subsection and it shall
36 be a complete defense for any person charged with a violation of
37 this subsection if:

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

42 (i) Has a luminous reflectance not exceeding
43 twenty percent (20%); and

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

46 (b) The person has a certificate of compliance for the
47 vehicle issued by either a person certified to inspect a motor
48 vehicle or a law enforcement officer of the Department of Public
49 Safety * * *.

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

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

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

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

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

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

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

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

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

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

127 certificate of compliance has been issued by either a person
128 certified to inspect a motor vehicle or a law enforcement officer
129 of the Department of Public Safety pursuant to subsection (12) of
130 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 either a person certified to inspect a motor vehicle or
140 a law enforcement officer of the Department of Public Safety.

141 Such tests shall be performed with specially manufactured cards
142 designed for such purpose and issued * * * by the Department of
143 Public Safety. Motor vehicles in compliance shall be issued
144 certificates of compliance in a form prescribed by the Department
145 of Public Safety.

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

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

154 (15) Violations of this section shall be enforced only by
155 law enforcement officers of the Mississippi Department of Public
156 Safety and municipal law enforcement officers of municipalities
157 having a population of two thousand (2,000) or more on the public
158 roads, streets and highways under their jurisdiction.

159 (16) The Department of Public Safety shall initiate a public
160 awareness program designed to inform and educate persons of the
161 provisions of this section. Funds for such public awareness
162 program shall be available through the office of the Governor's
163 representative for highway safety programs.

164 **SECTION 2.** This act shall take effect and be in force from
165 and after July 1, 2005.