HOUSE BILL NO. 43

AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO EXEMPT LAW ENFORCEMENT VEHICLES FROM COMPLIANCE WITH TINTING REQUIREMENTS AS ESTABLISHED BY LAW; AND FOR RELATED PURPOSES.

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

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

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

(2) From and after January 1, 1989, no person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any window so tinted or darkened, by tinted film or otherwise, that the interior of the vehicle is so obscured that a viewer with vision sufficient to qualify for a Mississippi driver's license cannot readily see into the interior of the vehicle by looking into it from outside the vehicle; provided, however, this prohibition shall not apply...
to school buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state, any limousine owned or leased by a private or public entity or any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations.

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

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

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

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

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

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

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

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

(i) Has a luminous reflectance not exceeding twenty percent (20%); and
(ii) Has a light transmittance of thirty-five percent (35%) or more; or

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

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

(6) Notwithstanding the provisions of subsection (2) or (4) of this section, it shall be lawful for any person who has been diagnosed by a licensed physician in this state as having a physical condition or disease which is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material which would otherwise be in violation of this section. However, any such vehicle, in order to be exempt under this subsection, shall have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the person on whose behalf the certificate is issued. The special certificate authorized by this subsection (6) shall be issued free of charge to the applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing official (a) an affidavit signed personally by the applicant and signed and attested by a physician which states the applicant's physical condition or disease which
entitles him to an exemption under this subsection, and (b) proof
of ownership of the motor vehicle by the applicant, or a signed
affidavit by the owner of a motor vehicle operated for the use of
the applicant, for which he is obtaining the certificate.

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

(8) From and after July 1, 2005, the Department of Public
Safety shall issue labels to official motor vehicle inspection
stations for affixing to every motor vehicle required to be
inspected in this state with a window therein which has been
tinted or darkened with any tinted film or other darkening
material after factory delivery. The label shall be affixed to
the lower left corner of each such window, shall be legible from
outside the vehicle, and shall indicate the label registration
number, a certification of compliance with Mississippi law, and
such other information as the Commissioner of Public Safety deems
appropriate. The labels shall be of a type which is
pressure-sensitive, self-destructive upon removal, and no larger
than one (1) inch square in size. Before affixing the label, the
inspection station shall conduct a test to determine that the
window complies with the luminous reflectance and light
transmittance requirements prescribed under subsection (2) or (4)
of this section. The test shall be conducted using such methods
or devices as may be approved and certified not less often than
annually by the Department of Public Safety. For conducting such
tests, motor vehicle inspection stations shall charge and collect
a fee of Five Dollars ($5.00). Two Dollars ($2.00) of such fee
shall be retained by the inspection station, and Three Dollars
($3.00) of the fee shall be remitted to the Department of Public
Safety and may be expended, upon legislative appropriation, for
the operational expenses of the department. No fee shall be
charged unless a test is actually performed under this subsection. The presence of such label upon the window of a motor vehicle shall indicate that the person who affixed the label certifies that the window meets the restrictions of subsection (2) or (4) of this section as to luminous reflectance and light transmittance.

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

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

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

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

(13) Any violation of this section other than a violation of subsection (9), (10) or (11) of this section shall be punishable upon conviction as provided in Section 63-7-7.
(14) Violations of this section shall be enforced only by law enforcement officers of the Mississippi Department of Public Safety and municipal law enforcement officers of municipalities having a population of two thousand (2,000) or more on the public roads, streets and highways under their jurisdiction.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2006.