

By: Representative Fleming

To: Transportation

HOUSE BILL NO. 45

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 DECREASE THE MINIMUM LIGHT TRANSMITTANCE PERCENTAGE REQUIRED FOR
3 WINDOWS OF MOTOR VEHICLES THAT HAVE BEEN TINTED AFTER FACTORY
4 DELIVERY; AND FOR RELATED PURPOSES.

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

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

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

21 * * *

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

26 (a) Each window of the vehicle upon which tinted or
27 darkening material has been applied has affixed to it a label as

28 provided under subsection (6) of this section certifying that the
29 window:

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

32 (ii) Has a light transmittance of thirty percent
33 (30%) or more; or

34 (b) The person has a certificate of medical exemption
35 issued under subsection (4) of this section.

36 (3) The prohibitions of subsection (2) of this section shall
37 not apply to (a) school buses, other buses used for public
38 transportation, any bus or van owned or leased by a nonprofit
39 organization duly incorporated under the laws of this state or any
40 funeral home services, any limousine owned or leased by a private
41 or public entity; or (b) any other motor vehicle the windows of
42 which have been tinted or darkened before factory delivery as
43 permitted by federal law or federal regulations.

44 (4) Notwithstanding the provisions of subsection (2) * * *
45 of this section, it shall be lawful for any person who has been
46 diagnosed by a licensed physician in this state as having a
47 physical condition or disease which is seriously aggravated by
48 minimum exposure to sunlight to place or have placed upon the
49 windshield or windows of any motor vehicle which he owns or
50 operates or within which he regularly travels as a passenger
51 tinted film or other darkening material which would otherwise be
52 in violation of this section. However, any such vehicle, in order
53 to be exempt under this subsection, shall have prominently
54 displayed on the vehicle dashboard a certificate of medical
55 exemption on a form prepared by the Commissioner of Public Safety
56 and signed by the person on whose behalf the certificate is
57 issued. The special certificate authorized by this subsection (4)
58 shall be issued free of charge to the applicants through the
59 offices of the tax collectors of the counties. Each applicant
60 shall present to the issuing official (a) an affidavit signed

61 personally by the applicant and signed and attested by a physician
62 which states the applicant's physical condition or disease which
63 entitles him to an exemption under this subsection, and (b) proof
64 of ownership of the motor vehicle by the applicant, or a signed
65 affidavit by the owner of a motor vehicle operated for the use of
66 the applicant, for which he is obtaining the certificate.

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

71 (6) * * * The Department of Public Safety shall issue labels
72 to official motor vehicle inspection stations for affixing to
73 every motor vehicle required to be inspected in this state with a
74 window therein which has been tinted or darkened with any tinted
75 film or other darkening material after factory delivery. The
76 label shall be affixed to the lower left corner of each such
77 window, shall be legible from outside the vehicle, and shall
78 indicate the label registration number, a certification of
79 compliance with Mississippi law, and such other information as the
80 Commissioner of Public Safety deems appropriate. The labels shall
81 be of a type which is pressure-sensitive, self-destructive upon
82 removal, and no larger than one (1) inch square in size. Before
83 affixing the label, the inspection station shall conduct a test to
84 determine that the window complies with the luminous reflectance
85 and light transmittance requirements prescribed under subsection
86 (2) * * * of this section. The test shall be conducted using such
87 methods or devices as may be approved and certified not less often
88 than annually by the Department of Public Safety. For conducting
89 such tests, motor vehicle inspection stations shall charge and
90 collect a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of
91 such fee shall be retained by the inspection station, and Three
92 Dollars (\$3.00) of the fee shall be remitted to the Department of
93 Public Safety and may be expended, upon legislative appropriation,

94 for the operational expenses of the department. No fee shall be
95 charged unless a test is actually performed under this subsection.
96 The presence of such label upon the window of a motor vehicle
97 shall indicate that the person who affixed the label certifies
98 that the window meets the restrictions of subsection (2) * * * of
99 this section as to luminous reflectance and light transmittance.

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

105 (8) No motor vehicle inspection certificate shall be issued
106 from and after July 1, 2005, for a vehicle on which the windshield
107 or any window of the vehicle has been darkened by the installation
108 of tinted film or by other means, except as authorized under this
109 section. Inspection certificates may be issued for motor vehicles
110 which have labels affixed pursuant to subsection (6) of this
111 section and for motor vehicles for which a certificate of medical
112 exemption has been issued pursuant to subsection (4) of this
113 section.

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

120 (10) Any person violating subsection (7), (8) or (9) of this
121 section, upon conviction, shall be punished by a fine of not more
122 than One Thousand Dollars (\$1,000.00), or imprisonment in the
123 county jail for not more than three (3) months, or by both such
124 fine and imprisonment.

125 (11) Any violation of this section other than a violation of
126 subsection (7), (8) or (9) of this section shall be punishable
127 upon conviction as provided in Section 63-7-7.

128 (12) Violations of this section shall be enforced only by
129 law enforcement officers of the Mississippi Department of Public
130 Safety and municipal law enforcement officers of municipalities
131 having a population of two thousand (2,000) or more on the public
132 roads, streets and highways under their jurisdiction.

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

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