

By: Representative Snowden

To: Transportation

HOUSE BILL NO. 977

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO  
2 LOWER THE MINIMUM PERCENTAGE OF LIGHT TRANSMITTANCE REQUIRED FOR  
3 THE WINDOW OF A MOTOR VEHICLE THAT HAS BEEN TINTED AFTER FACTORY  
4 DELIVERY; TO PROVIDE THAT THE RESTRICTIONS ON LUMINOUS REFLECTANCE  
5 AND LIGHT TRANSMITTANCE FOR MOTOR VEHICLE WINDOWS SHALL NOT BE  
6 APPLICABLE TO ANY LAW ENFORCEMENT, FIRE, AMBULANCE OR OTHER  
7 OFFICIAL EMERGENCY VEHICLE OR TO THE REAR WINDOW OF ANY PICKUP  
8 TRUCK, VAN, MOTOR HOME OR SPORTS UTILITY VEHICLE; AND FOR RELATED  
9 PURPOSES.

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

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

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

26 \* \* \*

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

31           (a) Each window of the vehicle upon which tinted or  
32 darkening material has been applied has affixed to it a label as  
33 provided under subsection (6) of this section certifying that the  
34 window has a luminous reflectance not exceeding twenty-percent  
35 (20%) and a light transmittance as follows:

36       \* \* \*

37           (i) For the front two side windows, a light  
38 transmittance of twenty-two percent (22%) or more; and

39           (ii) For any other window, a light transmittance  
40 of no less than the minimum percentage authorized to be installed  
41 under federal law or regulations for such window in a new motor  
42 vehicle before factory delivery; or

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

45       (3) The prohibitions of subsection (2) of this section shall  
46 not apply to (a) school buses, other buses used for public  
47 transportation, any bus or van owned or leased by a nonprofit  
48 organization duly incorporated under the laws of this state or any  
49 funeral home services vehicle, any limousine owned or leased by a  
50 private or public entity or any law enforcement, fire, ambulance  
51 or other official emergency vehicle; \* \* \* (b) the rear window of  
52 any pickup truck, van, motor home or sports utility vehicle; or  
53 (c) any other motor vehicle the windows of which have been tinted  
54 or darkened before factory delivery as permitted by federal law or  
55 federal regulations.

56       (4) Notwithstanding the provisions of subsection (2) \* \* \*  
57 of this section, it shall be lawful for any person who has been  
58 diagnosed by a licensed physician in this state as having a  
59 physical condition or disease which is seriously aggravated by  
60 minimum exposure to sunlight to place or have placed upon the  
61 windshield or windows of any motor vehicle which he owns or  
62 operates or within which he regularly travels as a passenger  
63 tinted film or other darkening material which would otherwise be

64 in violation of this section. However, any such vehicle, in order  
65 to be exempt under this subsection, shall have prominently  
66 displayed on the vehicle dashboard a certificate of medical  
67 exemption on a form prepared by the Commissioner of Public Safety  
68 and signed by the person on whose behalf the certificate is  
69 issued. The special certificate authorized by this subsection (4)  
70 shall be issued free of charge to the applicants through the  
71 offices of the tax collectors of the counties. Each applicant  
72 shall present to the issuing official (a) an affidavit signed  
73 personally by the applicant and signed and attested by a physician  
74 which states the applicant's physical condition or disease which  
75 entitles him to an exemption under this subsection, and (b) proof  
76 of ownership of the motor vehicle by the applicant, or a signed  
77 affidavit by the owner of a motor vehicle operated for the use of  
78 the applicant, for which he is obtaining the certificate.

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

83 (6) From and after July 1, 2005, the Department of Public  
84 Safety shall issue labels to official motor vehicle inspection  
85 stations for affixing to every motor vehicle required to be  
86 inspected in this state with a window therein which has been  
87 tinted or darkened with any tinted film or other darkening  
88 material after factory delivery. The label shall be affixed to  
89 the lower left corner of each such window, shall be legible from  
90 outside the vehicle, and shall indicate the label registration  
91 number, a certification of compliance with Mississippi law, and  
92 such other information as the Commissioner of Public Safety deems  
93 appropriate. The labels shall be of a type which is  
94 pressure-sensitive, self-destructive upon removal, and no larger  
95 than one (1) inch square in size. Before affixing the label, the  
96 inspection station shall conduct a test to determine that the

97 window complies with the luminous reflectance and light  
98 transmittance requirements prescribed under subsection (2) \* \* \*  
99 of this section. The test shall be conducted using such methods  
100 or devices as may be approved and certified not less often than  
101 annually by the Department of Public Safety. For conducting such  
102 tests, motor vehicle inspection stations shall charge and collect  
103 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee  
104 shall be retained by the inspection station, and Three Dollars  
105 (\$3.00) of the fee shall be remitted to the Department of Public  
106 Safety and may be expended, upon legislative appropriation, for  
107 the operational expenses of the department. No fee shall be  
108 charged unless a test is actually performed under this subsection.  
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  
112 this section as to luminous reflectance and light transmittance.

113 (7) No person shall install any tinted film, darkening  
114 material, glazing material or any other material upon the  
115 windshield or any window of a motor vehicle which, after the  
116 installation thereof, would result in such vehicle being in  
117 violation of subsection (2) \* \* \* of this section.

118 (8) No motor vehicle inspection certificate shall be issued  
119 from and after July 1, 2005, for a vehicle on which the windshield  
120 or any window of the vehicle has been darkened by the installation  
121 of tinted film or by other means, except as authorized under this  
122 section. Inspection certificates may be issued for motor vehicles  
123 which have labels affixed pursuant to subsection (6) of this  
124 section and for motor vehicles for which a certificate of medical  
125 exemption has been issued pursuant to subsection (4) of this  
126 section.

127 (9) It shall be unlawful for any person to alter or  
128 reproduce any label or certificate of medical exemption approved  
129 by the Commissioner of Public Safety under this section for the

130 purpose of misleading law enforcement officers or motor vehicle  
131 inspection stations, or to knowingly use any approved label or  
132 certificate except as authorized by this section.

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

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

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

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

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