

By: Representative Horne

To: Transportation

HOUSE BILL NO. 1190

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; 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 \* \* \* windows of such  
13 vehicle, other than a certificate or other paper required or  
14 authorized to be so displayed by law. Any sign, poster, film or  
15 other material that appears on the rear window of a motor vehicle  
16 shall not so obscure the vision of the motor vehicle operator as  
17 to cause an unreasonable safety risk. No person shall drive any  
18 motor vehicle required to be registered in this state upon the  
19 public roads, streets or highways in this state with any tinted  
20 film, glazing material or darkening material of any kind on the  
21 windshield of a motor vehicle except material designed to replace  
22 or provide a sun shield in the uppermost area \* \* \*. Any tinted  
23 film, glazing material or darkening material placed upon the  
24 windshield as a sun shield may be of such size and specifications  
25 as approved under federal law for manufacturers of new motor  
26 vehicles and shall have a light transmittance of twelve percent  
27 (12%) or more.

28 \* \* \*

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

33           (a) Each window of the vehicle upon which tinted or  
34 darkening material has been applied has affixed to it a label as  
35 provided under subsection (6) of this section certifying that the  
36 window has a luminous reflectance not exceeding twenty percent  
37 (20%) and a light transmittance as follows:

38           \* \* \*

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

41                     (ii) For any other window, a light transmittance  
42 of twelve percent (12%) or more.

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, any limousine owned or leased by a private  
50 or public entity; or (b) any other motor vehicle the windows of  
51 which have been tinted or darkened before factory delivery as  
52 permitted by federal law or federal regulations.

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

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

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

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

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

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

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

124 (9) It shall be unlawful for any person to alter or  
125 reproduce any label or certificate of medical exemption approved  
126 by the Commissioner of Public Safety under this section for the  
127 purpose of misleading law enforcement officers or motor vehicle

128 inspection stations, or to knowingly use any approved label or  
129 certificate except as authorized by this section.

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

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

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

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

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