

By: Representatives Chism, Nicholson

To: Transportation

HOUSE BILL NO. 1225

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT A MOTOR VEHICLE INSPECTION STATION SHALL NOT BE
 3 REQUIRED BY THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO SEPARATE
 4 BOND FOR THE PURPOSE OF AUTHORIZING THE INSPECTION STATION TO
 5 PERFORM INSPECTIONS OF THE WINDOWS OF MOTOR VEHICLES THAT HAVE
 6 BEEN TINTED OR DARKENED AFTER FACTORY DELIVERY; TO PROVIDE THAT NO
 7 INSPECTION STATION SHALL BE REQUIRED TO PERFORM A TEST TO
 8 DETERMINE IF THE WINDOWS OF A MOTOR VEHICLE HAVE BEEN TINTED OR
 9 DARKENED AFTER FACTORY DELIVERY IF THE INSPECTION STATION DOES NOT
 10 ISSUE A MOTOR VEHICLE INSPECTION CERTIFICATE FOR THE VEHICLE; AND
 11 FOR RELATED PURPOSES.

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

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

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

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:

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

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

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

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

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

64 issued. The special certificate authorized by this subsection (6)
65 shall be issued free of charge to the applicants through the
66 offices of the tax collectors of the counties. Each applicant
67 shall present to the issuing official (a) an affidavit signed
68 personally by the applicant and signed and attested by a physician
69 which states the applicant's physical condition or disease which
70 entitles him to an exemption under this subsection, and (b) proof
71 of ownership of the motor vehicle by the applicant, or a signed
72 affidavit by the owner of a motor vehicle operated for the use of
73 the applicant, for which he is obtaining the certificate.

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

78 (6) From and after July 1, 2005, the Department of Public
79 Safety shall issue labels to official motor vehicle inspection
80 stations for affixing to every motor vehicle required to be
81 inspected in this state with a window therein which has been
82 tinted or darkened with any tinted film or other darkening
83 material after factory delivery. The label shall be affixed to
84 the lower left corner of each such window, shall be legible from
85 outside the vehicle, and shall indicate the label registration
86 number, a certification of compliance with Mississippi law, and
87 such other information as the Commissioner of Public Safety deems
88 appropriate. The labels shall be of a type which is
89 pressure-sensitive, self-destructive upon removal, and no larger
90 than one (1) inch square in size. Before affixing the label, the
91 inspection station shall conduct a test to determine that the
92 window complies with the luminous reflectance and light
93 transmittance requirements prescribed under subsection (2) * * *
94 of this section. The test shall be conducted using such methods
95 or devices as may be approved and certified not less often than
96 annually by the Department of Public Safety. An inspection

97 station shall not be required by the department to enter into a
98 bond separate and apart from any bond required for official
99 inspection stations as provided under Section 63-13-5, but the
100 bond required under Section 63-13-5 shall be considered entirely
101 sufficient for the purposes of this section. 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 and no inspection station shall be required to perform a test to
110 determine if the windows of a motor vehicle have been tinted or
111 darkened with any tinted film or other darkening material after
112 factory delivery so long as the inspection station does not issue
113 a motor vehicle inspection certificate for any such vehicle. The
114 presence of such label upon the window of a motor vehicle shall
115 indicate that the person who affixed the label certifies that the
116 window meets the restrictions of subsection (2) * * * of this
117 section as to luminous reflectance and light transmittance.

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

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

130 exemption has been issued pursuant to subsection (4) of this
131 section.

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

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

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

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

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

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