

By: Representative Wells-Smith

To: Transportation

HOUSE BILL NO. 1245

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 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 twenty-five  
33 percent (25%) 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) From and after July 1, 2005, the Department of Public  
72 Safety shall issue labels to official motor vehicle inspection  
73 stations for affixing to every motor vehicle required to be  
74 inspected in this state with a window therein which has been  
75 tinted or darkened with any tinted film or other darkening  
76 material after factory delivery. The label shall be affixed to  
77 the lower left corner of each such window, shall be legible from  
78 outside the vehicle, and shall indicate the label registration  
79 number, a certification of compliance with Mississippi law, and  
80 such other information as the Commissioner of Public Safety deems  
81 appropriate. The labels shall be of a type which is  
82 pressure-sensitive, self-destructive upon removal, and no larger  
83 than one (1) inch square in size. Before affixing the label, the  
84 inspection station shall conduct a test to determine that the  
85 window complies with the luminous reflectance and light  
86 transmittance requirements prescribed under subsection (2) \* \* \*  
87 of this section. The test shall be conducted using such methods  
88 or devices as may be approved and certified not less often than  
89 annually by the Department of Public Safety. For conducting such  
90 tests, motor vehicle inspection stations shall charge and collect  
91 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee  
92 shall be retained by the inspection station, and Three Dollars  
93 (\$3.00) of the fee shall be remitted to the Department of Public

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

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

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

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

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

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

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

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

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