

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2793

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT LAW ENFORCEMENT VEHICLES FROM THE PROHIBITION AGAINST
3 EXCESSIVE WINDOW TINTING; AND FOR RELATED PURPOSES.

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

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

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

20 (2) From and after January 1, 1989, no person shall drive
21 any motor vehicle required to be registered in this state upon the
22 public roads, streets or highways in this state with any window so
23 tinted or darkened, by tinted film or otherwise, that the interior
24 of the vehicle is so obscured that a viewer with vision sufficient
25 to qualify for a Mississippi driver's license cannot readily see
26 into the interior of the vehicle by looking into it from outside
27 the vehicle; provided, however, this prohibition shall not apply

28 to school buses, other buses used for public transportation, any
29 bus or van owned or leased by a nonprofit organization duly
30 incorporated under the laws of this state, any limousine owned or
31 leased by a private or public entity or any other motor vehicle
32 the windows of which have been tinted or darkened before factory
33 delivery as permitted by federal law or federal regulations.

34 Notwithstanding the prohibitions of this subsection, no person
35 shall be charged with a violation of this subsection and it shall
36 be a complete defense for any person charged with a violation of
37 this subsection if:

38 (a) Each window of the vehicle upon which tinted or
39 darkening material has been applied has affixed to it a label
40 approved under subsection (8) of this section certifying that the
41 window:

42 (i) Has a luminous reflectance not exceeding
43 twenty percent (20%); and

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

46 (b) The person has a certificate of medical exemption
47 for the vehicle issued under subsection (6) of this section.

48 (3) Subsection (2) of this section shall stand repealed from
49 and after July 1, 2006.

50 (4) From and after July 1, 2006, no person shall drive any
51 motor vehicle required to be registered in this state upon the
52 public roads, streets or highways in this state with any window
53 tinted or darkened, by tinted film or otherwise, unless:

54 (a) Each window of the vehicle upon which tinted or
55 darkening material has been applied has affixed to it a label as
56 provided under subsection (8) of this section certifying that the
57 window:

58 (i) Has a luminous reflectance not exceeding
59 twenty percent (20%); and

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

62 (b) The person has a certificate of medical exemption
63 issued under subsection (6) of this section.

64 (5) The prohibitions of subsection (4) of this section shall
65 not apply to (a) school buses, other buses used for public
66 transportation, any bus or van owned or leased by a nonprofit
67 organization duly incorporated under the laws of this state or any
68 funeral home services, any limousine owned or leased by a private
69 or public entity; or (b) any other motor vehicle the windows of
70 which have been tinted or darkened before factory delivery as
71 permitted by federal law or federal regulations, or any law
72 enforcement vehicle.

73 (6) Notwithstanding the provisions of subsection (2) or (4)
74 of this section, it shall be lawful for any person who has been
75 diagnosed by a licensed physician in this state as having a
76 physical condition or disease which is seriously aggravated by
77 minimum exposure to sunlight to place or have placed upon the
78 windshield or windows of any motor vehicle which he owns or
79 operates or within which he regularly travels as a passenger
80 tinted film or other darkening material which would otherwise be
81 in violation of this section. However, any such vehicle, in order
82 to be exempt under this subsection, shall have prominently
83 displayed on the vehicle dashboard a certificate of medical
84 exemption on a form prepared by the Commissioner of Public Safety
85 and signed by the person on whose behalf the certificate is
86 issued. The special certificate authorized by this subsection (6)
87 shall be issued free of charge to the applicants through the
88 offices of the tax collectors of the counties. Each applicant
89 shall present to the issuing official (a) an affidavit signed
90 personally by the applicant and signed and attested by a physician
91 which states the applicant's physical condition or disease which
92 entitles him to an exemption under this subsection, and (b) proof

93 of ownership of the motor vehicle by the applicant, or a signed
94 affidavit by the owner of a motor vehicle operated for the use of
95 the applicant, for which he is obtaining the certificate.

96 (7) The windshield on every motor vehicle shall be equipped
97 with a device for cleaning rain, snow or other moisture from the
98 windshield, which device shall be so constructed as to be
99 controlled or operated by the driver of the vehicle.

100 (8) From and after July 1, 2005, the Department of Public
101 Safety shall issue labels to official motor vehicle inspection
102 stations for affixing to every motor vehicle required to be
103 inspected in this state with a window therein which has been
104 tinted or darkened with any tinted film or other darkening
105 material after factory delivery. The label shall be affixed to
106 the lower left corner of each such window, shall be legible from
107 outside the vehicle, and shall indicate the label registration
108 number, a certification of compliance with Mississippi law, and
109 such other information as the Commissioner of Public Safety deems
110 appropriate. The labels shall be of a type which is
111 pressure-sensitive, self-destructive upon removal, and no larger
112 than one (1) inch square in size. Before affixing the label, the
113 inspection station shall conduct a test to determine that the
114 window complies with the luminous reflectance and light
115 transmittance requirements prescribed under subsection (2) or (4)
116 of this section. The test shall be conducted using such methods
117 or devices as may be approved and certified not less often than
118 annually by the Department of Public Safety. For conducting such
119 tests, motor vehicle inspection stations shall charge and collect
120 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee
121 shall be retained by the inspection station, and Three Dollars
122 (\$3.00) of the fee shall be remitted to the Department of Public
123 Safety and may be expended, upon legislative appropriation, for
124 the operational expenses of the department. No fee shall be
125 charged unless a test is actually performed under this subsection.

126 The presence of such label upon the window of a motor vehicle
127 shall indicate that the person who affixed the label certifies
128 that the window meets the restrictions of subsection (2) or (4) of
129 this section as to luminous reflectance and light transmittance.

130 (9) No person shall install any tinted film, darkening
131 material, glazing material or any other material upon the
132 windshield or any window of a motor vehicle which, after the
133 installation thereof, would result in such vehicle being in
134 violation of subsection (2) or (4) of this section.

135 (10) No motor vehicle inspection certificate shall be issued
136 from and after July 1, 2005, for a vehicle on which the windshield
137 or any window of the vehicle has been darkened by the installation
138 of tinted film or by other means, except as authorized under this
139 section. Inspection certificates may be issued for motor vehicles
140 which have labels affixed pursuant to subsection (8) of this
141 section and for motor vehicles for which a certificate of medical
142 exemption has been issued pursuant to subsection (6) of this
143 section.

144 (11) It shall be unlawful for any person to alter or
145 reproduce any label or certificate of medical exemption approved
146 by the Commissioner of Public Safety under this section for the
147 purpose of misleading law enforcement officers or motor vehicle
148 inspection stations, or to knowingly use any approved label or
149 certificate except as authorized by this section.

150 (12) Any person violating subsection (9), (10) or (11) of
151 this section, upon conviction, shall be punished by a fine of not
152 more than One Thousand Dollars (\$1,000.00), or imprisonment in the
153 county jail for not more than three (3) months, or by both such
154 fine and imprisonment.

155 (13) Any violation of this section other than a violation of
156 subsection (9), (10) or (11) of this section shall be punishable
157 upon conviction as provided in Section 63-7-7.

158 (14) Violations of this section shall be enforced only by
159 law enforcement officers of the Mississippi Department of Public
160 Safety and municipal law enforcement officers of municipalities
161 having a population of two thousand (2,000) or more on the public
162 roads, streets and highways under their jurisdiction.

163 (15) The Department of Public Safety shall initiate a public
164 awareness program designed to inform and educate persons of the
165 provisions of this section. Funds for such public awareness
166 program shall be available through the office of the Governor's
167 representative for highway safety programs.

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