MISSISSIPPI LEGISLATURE REGULAR SESSION 2015

By: Senator(s) Polk To: Finance

SENATE BILL NO. 2519

AN ACT TO REPEAL SECTIONS 63-13-1 THROUGH 63-13-29, MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI MOTOR VEHICLE SAFETY INSPECTION LAW; TO AMEND SECTIONS 63-7-59 AND 37-41-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Sections 63-13-1, 63-13-3, 63-13-5, 63-13-7, 63-13-8, 63-13-9, 63-13-11, 63-13-13, 63-13-15, 63-13-17, 63-13-19, 63-13-21, 63-13-23, 63-13-25, 63-13-27 and 63-13-29, Mississippi Code of 1972, which create the Mississippi Motor Vehicle Safety Inspection Law, are hereby repealed.

SECTION 2. Section 63-7-59, Mississippi Code of 1972, is amended as follows:

63-7-59. (1) No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any sign or poster, or with any glazing material which causes a mirrored effect, upon the front windshield, side wings or side or rear windows of the vehicle, other than a certificate or other paper required or

authorized to be so displayed by law. No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing material or darkening material of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law.

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

(a) The windshield of the vehicle has affixed to it a label as provided under subsection (6) of this section certifying that all the windows of the vehicle have a light transmittance of twenty-eight percent (28%) or more; or

(b) The owner or operator of the vehicle has a certificate of medical exemption issued under subsection (4) of this section.

(3) The prohibitions of subsection (2) of this section shall not apply to (a) school buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state or any funeral home services vehicle, any limousine owned or leased by a private or public entity, or any government-owned law enforcement or fire department vehicle or any volunteer fire department

vehicle; (b) any window behind the front two (2) side windows, including the rear window, of any pickup truck, van, motor home, recreational vehicle, sport utility vehicle or multipurpose vehicle that has been tinted or darkened after factory delivery to the extent that the light transmittance of the window meets the minimum light transmittance requirements authorized to be installed for that window and for that vehicle under federal law or regulations before factory delivery; or (c) any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations.

(4) Notwithstanding the provisions of subsection (2) of this section, it shall be lawful for any person who has been diagnosed by a physician licensed to practice medicine in the State of Mississippi as having a physical condition or disease that is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material that would otherwise be in violation of this section. However, any vehicle, in order to be exempt under this subsection (4), shall have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the person on whose behalf the certificate is issued. The special certificate authorized by this subsection (4)

shall be issued free of charge to the applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing official (a) an affidavit signed personally by the applicant and signed and attested by a physician which states the applicant's physical condition or disease which entitles him to an exemption under this subsection (4); and (b) proof of ownership of the motor vehicle by the applicant, or a signed affidavit by the owner of a motor vehicle operated for the use of the applicant, for which he is obtaining the certificate.

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

(6) The Department of Public Safety shall issue labels *** * *** that shall be affixed to the lower left corner of the windshield *** * ***, shall be legible from outside the vehicle, and shall indicate the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The labels shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size. Before affixing the label, the *** * *** Department of Public Safety shall conduct a test to determine that the window complies with the light transmittance requirements prescribed under subsection (2) of this section. The test shall be conducted using such methods

or devices as may be approved and certified not less often than annually by the Department of Public Safety. * * * For conducting * * * the tests, * * * the Department of Public Safety shall charge and collect a fee of Five Dollars ($5.00). * * * The fee * * * may be expended, upon legislative appropriation, for the operational expenses of the department. No fee shall be charged unless a test is actually performed under this subsection (6) * * *. The presence of a label upon the windshield of a motor vehicle shall indicate that the person who affixed the label certifies that the windows of the vehicle meet the restrictions of subsection (2) of this section as to light transmittance.

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

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(* * *8) It shall be unlawful for any person to alter or reproduce any label or certificate of medical exemption approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers * * * or to knowingly use any approved label or certificate except as authorized by this section.

(* * *9) Any person violating subsection (7) * * * or (8) * * * of this section, upon conviction, shall be punished by a

fine of not more than One Thousand Dollars ($1,000.00), or imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment.

(* * *10) Any violation of this section other than a violation of subsection (7) * * * or (8) * * * of this section shall be punishable upon conviction as provided in Section 63-7-7.

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

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

SECTION 3. Section 37-41-53, Mississippi Code of 1972, is amended as follows:

37-41-53. (1) Each school board, person, firm or corporation transporting public school district children on the public roads, streets and highways of the state with motor vehicles shall have the motor vehicles inspected according to * * * regulations promulgated by the State Department of Education. Each motor vehicle shall be inspected by a competent

mechanic to be safe for transporting pupils on the roads, streets and highways of the state before it is released for such purpose. If *** * *** the motor vehicle is found to be unsafe for transporting pupils, then it shall be properly repaired or adjusted as necessary before being used to transport pupils. The provisions of this subsection shall not apply to vehicles owned by individuals and under private contract to the school district and used exclusively for transporting members of their immediate families.

(2) The State Department of Education may inspect, at its discretion, any school bus used for transporting school district pupils to and from the public schools or for activity purposes to determine the safety of such motor vehicle for operation on the roads, streets and highways of this state. In the event a vehicle is inspected and is found to be unsafe for transporting pupils, a report shall be filed with the appropriate school district official indicating its deficiencies with recommendations for correcting such deficiencies.

(3) If it is determined that any school district buses are in such defective condition as to constitute an emergency safety hazard, those buses may be condemned and removed from service and shall not be returned to service until adequate repairs are completed and *** * *** the buses are reinspected by the State Department of Education. Any school district official who approves the operation of any school bus that has been removed

from service under the conditions listed above, prior to being reinspected by the State Department of Education, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for a period not to exceed sixty (60) days, or a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment, in the discretion of the court.

SECTION 4. This act shall take effect and be in force from and after July 1, 2015.