

By: Senator(s) Polk, McDaniel, Sojourner

To: Finance

SENATE BILL NO. 2519  
(As Passed the Senate)

1 AN ACT TO REPEAL SECTIONS 63-13-1 THROUGH 63-13-29,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI MOTOR  
3 VEHICLE SAFETY INSPECTION LAW; TO AMEND SECTIONS 63-7-59 AND  
4 37-41-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR  
5 RELATED PURPOSES.

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

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11 Vehicle Safety Inspection Law, are hereby repealed.

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

14 63-7-59. (1) No person shall drive any motor vehicle  
15 required to be registered in this state upon the public roads,  
16 streets or highways in this state with any sign or poster, or with  
17 any glazing material which causes a mirrored effect, upon the  
18 front windshield, side wings or side or rear windows of the  
19 vehicle, other than a certificate or other paper required or



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

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

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

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

38 (3) The prohibitions of subsection (2) of this section shall  
39 not apply to:

40 (a) School buses, other buses used for public  
41 transportation, any bus or van owned or leased by a nonprofit  
42 organization duly incorporated under the laws of this state or any  
43 funeral home services vehicle, any limousine owned or leased by a  
44 private or public entity, or any government-owned law enforcement



45 or fire department vehicle or any volunteer fire department  
46 vehicle;

47 (b) Any window behind the front two (2) side windows,  
48 including the rear window, of any pickup truck, van, motor home,  
49 recreational vehicle, sport utility vehicle or multipurpose  
50 vehicle that has been tinted or darkened after factory delivery to  
51 the extent that the light transmittance of the window meets the  
52 minimum light transmittance requirements authorized to be  
53 installed for that window and for that vehicle under federal law  
54 or regulations before factory delivery; or

55 (c) Any other motor vehicle the windows of which have  
56 been tinted or darkened before factory delivery as permitted by  
57 federal law or federal regulations.

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



70 Safety and signed by the person on whose behalf the certificate is  
71 issued. The special certificate authorized by this subsection (4)  
72 shall be issued free of charge to the applicants through the  
73 offices of the tax collectors of the counties. Each applicant  
74 shall present to the issuing official:

75 (a) An affidavit signed personally by the applicant and  
76 signed and attested by a physician which states the applicant's  
77 physical condition or disease which entitles him to an exemption  
78 under this subsection (4); and

79 (b) Proof of ownership of the motor vehicle by the  
80 applicant, or a signed affidavit by the owner of a motor vehicle  
81 operated for the use of the applicant, for which he is obtaining  
82 the certificate.

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

87 (6) The Department of Public Safety shall issue labels to  
88 official \* \* \* tint inspection stations for affixing to the  
89 windshield of every motor vehicle required to be inspected in this  
90 state with a window therein which has been tinted or darkened with  
91 any tinted film or other darkening material after factory  
92 delivery. The label shall be affixed to the lower left corner of  
93 the windshield directly above the certificate of inspection, shall  
94 be legible from outside the vehicle, and shall indicate the label



95 registration number, a certification of compliance with  
96 Mississippi law, and such other information as the Commissioner of  
97 Public Safety deems appropriate. The labels shall be of a type  
98 which is pressure-sensitive, self-destructive upon removal, and no  
99 larger than one (1) inch square in size. Before affixing the  
100 label, the inspection station shall conduct a test to determine  
101 that the window complies with the light transmittance requirements  
102 prescribed under subsection (2) of this section. The test shall  
103 be conducted using such methods or devices as may be approved and  
104 certified not less often than annually by the Department of Public  
105 Safety. \* \* \* For conducting such tests, \* \* \* tint inspection  
106 stations shall charge and collect a fee of Five Dollars (\$5.00).  
107 Two Dollars (\$2.00) of the fee shall be retained by the inspection  
108 station, and Three Dollars (\$3.00) of the fee shall be remitted to  
109 the Department of Public Safety and may be expended, upon  
110 legislative appropriation, for the operational expenses of the  
111 department. No fee shall be charged unless a test is actually  
112 performed under this subsection (6) \* \* \*. The presence of a  
113 label upon the windshield of a motor vehicle shall indicate that  
114 the person who affixed the label certifies that the windows of the  
115 vehicle meet the restrictions of subsection (2) of this section as  
116 to light transmittance.

117 (7) No person shall install any tinted film, darkening  
118 material, glazing material or any other material upon the  
119 windshield or any window of a motor vehicle which, after the



120 installation thereof, would result in such vehicle being in  
121 violation of subsection (2) of this section.

122 (8) No \* \* \* label shall be issued for a vehicle on which  
123 the windshield or any window of the vehicle has been darkened by  
124 the installation of tinted film or by other means, except as  
125 authorized under this section. \* \* \*

126 (9) It shall be unlawful for any person to alter or  
127 reproduce any label or certificate of medical exemption approved  
128 by the Commissioner of Public Safety under this section for the  
129 purpose of misleading law enforcement officers or motor vehicle  
130 inspection stations, or to knowingly use any approved label or  
131 certificate except as authorized by this section.

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

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

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



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

150 **SECTION 3.** (1) The Commissioner of Public Safety shall  
151 annually issue permits for and furnish instructions and all  
152 necessary forms to official tint inspection stations for the  
153 inspection of windshields and issuance of label as required by  
154 Section 63-7-59.

155 (2) Application for a permit to operate an official tint  
156 inspection station shall be made on an official form and shall be  
157 granted only when the Commissioner of Public Safety is satisfied  
158 that the station is properly equipped and has competent personnel  
159 to make the inspection required by Section 63-7-59 and that the  
160 inspections will be properly conducted. A fee of Ten Dollars  
161 (\$10.00) shall be charged any person or facility seeking a permit  
162 4as an official tint inspection station, or a renewal thereof, for  
163 the purpose of defraying the cost of administering the processing  
164 of the application.

165 (3) The Commissioner of Public Safety shall properly  
166 supervise and cause inspections to be made of official tint  
167 stations and may, after reasonable notice, suspend or revoke and  
168 require the surrender of the permit issued to a station which he  
169 finds is not properly equipped or conducted. The Commissioner of



170 Public Safety shall maintain and post at the Office of the  
171 Department of Public Safety lists of all stations holding permits  
172 and of those whose permits have been suspended or revoked.

173 (4) The Commissioner of Public Safety is authorized to make  
174 necessary rules and regulations for the administration and  
175 enforcement of this section and Section 63-7-59, including a  
176 reasonable provision for the bonding of official tint inspection  
177 stations.

178 **SECTION 4.** Section 37-41-53, Mississippi Code of 1972, is  
179 amended as follows:

180 37-41-53. (1) Each school board, person, firm or  
181 corporation transporting public school district children on the  
182 public roads, streets and highways of the state with motor  
183 vehicles shall have the motor vehicles inspected according  
184 to \* \* \* regulations promulgated by the State Department of  
185 Education. Each motor vehicle shall be inspected by a competent  
186 mechanic to be safe for transporting pupils on the roads, streets  
187 and highways of the state before it is released for such purpose.  
188 If \* \* \* the motor vehicle is found to be unsafe for transporting  
189 pupils, then it shall be properly repaired or adjusted as  
190 necessary before being used to transport pupils. The provisions  
191 of this subsection shall not apply to vehicles owned by  
192 individuals and under private contract to the school district and  
193 used exclusively for transporting members of their immediate  
194 families.



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

204           (3) If it is determined that any school district buses are  
205 in such defective condition as to constitute an emergency safety  
206 hazard, those buses may be condemned and removed from service and  
207 shall not be returned to service until adequate repairs are  
208 completed and \* \* \* the buses are reinspected by the State  
209 Department of Education. Any school district official who  
210 approves the operation of any school bus that has been removed  
211 from service under the conditions listed above, prior to being  
212 reinspected by the State Department of Education, shall be guilty  
213 of a misdemeanor and, upon conviction, shall be punished by  
214 imprisonment in the county jail for a period not to exceed sixty  
215 (60) days, or a fine of not less than Five Hundred Dollars  
216 (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by  
217 both such fine and imprisonment, in the discretion of the court.

218           **SECTION 5.** This act shall take effect and be in force from  
219 and after July 1, 2015.

