

By: Representative Baker

To: Judiciary A

HOUSE BILL NO. 1307

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT ANY PERSON THAT HAS THE REQUIRED MEDICAL EXEMPTION  
 3 FOR CERTAIN WINDOW TINTING PROVIDE THE MEDICAL EXEMPTION  
 4 CERTIFICATE UPON REQUEST OF LAW ENFORCEMENT; AND FOR RELATED  
 5 PURPOSES.

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

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

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



20 or provide a sun shield in the uppermost area as authorized to be  
21 installed by manufacturers of vehicles under federal law.

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

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

33 (3) The prohibitions of subsection (2) of this section shall  
34 not apply to:

35 (a) School buses, other buses used for public  
36 transportation, any bus or van owned or leased by a nonprofit  
37 organization duly incorporated under the laws of this state or any  
38 funeral home services vehicle, any limousine owned or leased by a  
39 private or public entity, or any government-owned law enforcement  
40 or fire department vehicle or any volunteer fire department  
41 vehicle;

42 (b) Any window behind the front two (2) side windows,  
43 including the rear window, of any pickup truck, van, motor home,  
44 recreational vehicle, sport utility vehicle or multipurpose



45 vehicle that has been tinted or darkened after factory delivery to  
46 the extent that the light transmittance of the window meets the  
47 minimum light transmittance requirements authorized to be  
48 installed for that window and for that vehicle under federal law  
49 or regulations before factory delivery; or

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

53 (4) Notwithstanding the provisions of subsection (2) of this  
54 section, it shall be lawful for any person who has been diagnosed  
55 by a physician licensed to practice medicine in the State of  
56 Mississippi as having a physical condition or disease that is  
57 seriously aggravated by minimum exposure to sunlight to place or  
58 have placed upon the windshield or windows of any motor vehicle  
59 which he owns or operates or within which he regularly travels as  
60 a passenger tinted film or other darkening material that would  
61 otherwise be in violation of this section. However, any vehicle,  
62 in order to be exempt under this subsection (4), shall \* \* \* keep  
63 a certificate of medical exemption on a form prepared by the  
64 Commissioner of Public Safety and signed by the person on whose  
65 behalf the certificate is issued within the vehicle, and shall  
66 make the certificate available for inspection upon request of a  
67 law enforcement officer. The special certificate authorized by  
68 this subsection (4) shall be issued free of charge to the



69 applicants through the offices of the tax collectors of the  
70 counties. Each applicant shall present to the issuing official:

71 (a) An affidavit signed personally by the applicant and  
72 signed and attested by a physician which states the applicant's  
73 physical condition or disease which entitles him to an exemption  
74 under this subsection (4); and

75 (b) Proof of ownership of the motor vehicle by the  
76 applicant, or a signed affidavit by the owner of a motor vehicle  
77 operated for the use of the applicant, for which he is obtaining  
78 the certificate.

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

83 (6) The Department of Public Safety shall issue labels to  
84 official tint inspection stations for affixing to the windshield  
85 of every motor vehicle required to be inspected in this state with  
86 a window therein which has been tinted or darkened with any tinted  
87 film or other darkening material after factory delivery. The  
88 label shall be affixed to the lower left corner of the windshield,  
89 shall be legible from outside the vehicle, and shall indicate the  
90 label registration number, a certification of compliance with  
91 Mississippi law, and such other information as the Commissioner of  
92 Public Safety deems appropriate. The labels shall be of a type  
93 which is pressure-sensitive, self-destructive upon removal, and no



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

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

117 (8) No label shall be issued for a vehicle on which the  
118 windshield or any window of the vehicle has been darkened by the



119 installation of tinted film or by other means, except as  
120 authorized under this section.

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

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

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

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

140 (13) The Department of Public Safety shall initiate a public  
141 awareness program designed to inform and educate persons of the  
142 provisions of this section. Funds for such public awareness



143 program shall be available through the office of the Governor's  
144 representative for highway safety programs.

145           **SECTION 2.** This act shall take effect and be in force from  
146 and after July 1, 2018.

