

By: Representative Arnold

To: Transportation

HOUSE BILL NO. 826

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 DELETE EXCLUSIVITY OF ENFORCEMENT BY CERTAIN LAW ENFORCEMENT AND
3 DELETE THE POPULATION THRESHOLD ON WHICH MUNICIPAL LAW ENFORCEMENT
4 OFFICERS SHALL ENFORCE THE VIOLATIONS OF MOTOR VEHICLE WINDOW TINT
5 LAWS; AND FOR RELATED 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 have
63 prominently displayed on the vehicle dashboard a certificate of
64 medical exemption on a form prepared by the Commissioner of Public
65 Safety and signed by the person on whose behalf the certificate is
66 issued. The special certificate authorized by this subsection (4)
67 shall be issued free of charge to the applicants through the
68 offices of the tax collectors of the counties. Each applicant
69 shall present to the issuing official:



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

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

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

82 (6) The Department of Public Safety shall issue labels to
83 official tint inspection stations for affixing to the windshield
84 of every motor vehicle required to be inspected in this state with
85 a window therein which has been tinted or darkened with any tinted
86 film or other darkening material after factory delivery. The
87 label shall be affixed to the lower left corner of the windshield,
88 shall be legible from outside the vehicle, and shall indicate the
89 label registration number, a certification of compliance with
90 Mississippi law, and such other information as the Commissioner of
91 Public Safety deems appropriate. The labels shall be of a type
92 which is pressure-sensitive, self-destructive upon removal, and no
93 larger than one (1) inch square in size. Before affixing the
94 label, the inspection station shall conduct a test to determine



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

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

116 (8) No label shall be issued for a vehicle on which the
117 windshield or any window of the vehicle has been darkened by the
118 installation of tinted film or by other means, except as
119 authorized under this section.



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

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

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

134 (12) Violations of this section shall be enforced * * * by
135 law enforcement officers of the Mississippi Department of Public
136 Safety and municipal law enforcement officers * * * on the public
137 roads, streets and highways under their jurisdiction.

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

143 **SECTION 2.** This act shall take effect and be in force from
144 and after July 1, 2019.

