

By: Senator(s) Jackson (32nd)

To: Judiciary, Division B

SENATE BILL NO. 2204

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS MAY ENFORCE THE  
3 MOTOR VEHICLE TINTED WINDOW PROVISIONS OF THE UNIFORM HIGHWAY  
4 TRAFFIC REGULATIONS REGARDLESS OF THE SIZE OF SUCH MUNICIPALITY;  
5 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 such  
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 January 1, 1989, no person shall drive  
23 any motor vehicle required to be registered in this state upon the  
24 public roads, streets or highways in this state with any window so  
25 tinted or darkened, by tinted film or otherwise, that the interior  
26 of the vehicle is so obscured that a viewer with vision sufficient  
27 to qualify for a Mississippi driver's license cannot readily see  
28 into the interior of the vehicle by looking into it from outside

29 the vehicle; provided, however, this prohibition shall not apply  
30 to school buses, other buses used for public transportation, any  
31 bus or van owned or leased by a nonprofit organization duly  
32 incorporated under the laws of this state, any limousine owned or  
33 leased by a private or public entity or any other motor vehicle  
34 the windows of which have been tinted or darkened before factory  
35 delivery as permitted by federal law or federal regulations.

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

40 (a) Each window of the vehicle upon which tinted or  
41 darkening material has been applied has affixed to it a label  
42 approved under subsection (6) of this section certifying that the  
43 window:

44 (i) Has a luminous reflectance not exceeding  
45 twenty percent (20%); and

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

48 (b) The person has a certificate of compliance for the  
49 vehicle issued by a law enforcement officer of the Department of  
50 Public Safety, as hereinafter provided.

51 (3) Notwithstanding the provisions of subsections (1) and  
52 (2) of this section, it shall be lawful for any person who has  
53 been diagnosed by a licensed physician in this state as having a  
54 physical condition or disease which is seriously aggravated by  
55 minimum exposure to sunlight to place or have placed upon the  
56 windshield or windows of any motor vehicle which he owns or  
57 operates or within which he regularly travels as a passenger  
58 tinted film or other darkening material which would otherwise be  
59 in violation of this section. However, any such vehicle, in order  
60 to be exempt under this subsection, shall have prominently  
61 displayed on the vehicle dashboard a certificate of medical

62 exemption on a form prepared by the Commissioner of Public Safety  
63 and signed by the person on whose behalf the certificate is  
64 issued. The special certificate authorized by this subsection (3)  
65 shall be issued free of charge to the applicants through the  
66 offices of the tax collectors of the counties. Each applicant  
67 shall present to the issuing official (a) an affidavit signed  
68 personally by the applicant and signed and attested by a physician  
69 which states the applicant's physical condition or disease which  
70 entitles him to an exemption under this subsection, and (b) proof  
71 of ownership of the motor vehicle by the applicant, or a signed  
72 affidavit by the owner of a motor vehicle operated for the use of  
73 the applicant, for which he is obtaining the certificate.

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

78 (5) From and after July 1, 1988, any motor vehicle required  
79 to be registered in this state with a window therein which has  
80 been tinted or darkened with any tinted film or other darkening  
81 material after factory delivery may have affixed to the lower left  
82 corner of each such window a label legible from outside the  
83 vehicle which indicates the label registration number, a  
84 certification of compliance with Mississippi law, and such other  
85 information as the Commissioner of Public Safety deems  
86 appropriate. The label shall be of a type which is  
87 pressure-sensitive, self-destructive upon removal, and no larger  
88 than one (1) inch square in size.

89 (6) Before shipping or making any tinted film or darkening  
90 material available for installation on a motor vehicle in this  
91 state, the manufacturer shall apply to the Commissioner of Public  
92 Safety for approval and registration of its tinted film or  
93 darkening material and the label which may be used in the  
94 identification and certification of compliance with the light

95 transmittance and reflectance standards established under  
96 subsection (2) of this section. The commissioner shall approve no  
97 tinted film or darkening material or any label to be used upon the  
98 window of a vehicle unless the manufacturer demonstrates that the  
99 film and label comply with the provisions of this section.

100 (7) With every delivery of tinted film or darkening material  
101 for installation upon the window of a motor vehicle in this state,  
102 the manufacturer shall provide the label as approved by the  
103 Commissioner of Public Safety with written instructions indicating  
104 the proper location for placement of the label as required by this  
105 section.

106 (8) Any labels approved by the Commissioner of Public Safety  
107 under subsection (6) of this section may be affixed to the windows  
108 of a motor vehicle which have been tinted or darkened with any  
109 tinted film or other darkening material after factory delivery.  
110 The presence of such label upon the window of a motor vehicle  
111 shall indicate that the person who affixed the label certifies  
112 that the window meets the restrictions of subsection (2) of this  
113 section as to luminous reflectance and light transmittance.

114 (9) From and after July 1, 1988, no person shall install any  
115 tinted film, darkening material, glazing material or any other  
116 material upon the windshield or any window of a motor vehicle  
117 which, after the installation thereof, would result in such  
118 vehicle being in violation of subsection (1) or (2) of this  
119 section if driven on the public roads, streets or highways of this  
120 state after January 1, 1989.

121 (10) No motor vehicle inspection certificate shall be issued  
122 from and after January 1, 1989, for a vehicle on which the  
123 windshield or any window of the vehicle has been darkened by the  
124 installation of tinted film or by other means, except as  
125 authorized under this section. Inspection certificates shall be  
126 issued to motor vehicles which have labels affixed pursuant to  
127 subsection (8) of this section and to motor vehicles for which a

128 certificate of compliance has been issued by a law enforcement  
129 officer of the Department of Public Safety pursuant to subsection  
130 (12) of this section.

131 (11) It shall be unlawful for any person to alter or  
132 reproduce any label approved by the Commissioner of Public Safety  
133 under this section for the purpose of misleading law enforcement  
134 officers or motor vehicle inspection stations, or to knowingly use  
135 any approved label except as authorized by this section.

136 (12) Motor vehicles which do not have labels affixed  
137 pursuant to subsection (8) of this section shall be tested for  
138 compliance with the light transmittance requirements of this  
139 section by law enforcement officers of the Department of Public  
140 Safety. Such tests shall be performed with specially manufactured  
141 cards designed for such purpose and issued to officers by the  
142 Department of Public Safety. Motor vehicles in compliance shall  
143 be issued certificates of compliance in a form prescribed by the  
144 Department of Public Safety.

145 (13) Any person violating subsection (9) or (11) of this  
146 section, upon conviction, shall be punished by a fine of not more  
147 than One Thousand Dollars (\$1,000.00), or imprisonment in the  
148 county jail for not more than three (3) months, or by both such  
149 fine and imprisonment.

150 (14) Any violation of this section other than a violation as  
151 described in subsection (13) of this section shall be punishable  
152 upon conviction as provided in Section 63-7-7.

153 (15) Violations of this section shall be enforced only by  
154 law enforcement officers of the Mississippi Department of Public  
155 Safety and municipal law enforcement officers of  
156 municipalities \* \* \* on the public roads, streets and highways  
157 under their jurisdiction.

158 (16) The Department of Public Safety shall initiate a public  
159 awareness program designed to inform and educate persons of the  
160 provisions of this section. Funds for such public awareness

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

163         **SECTION 2.** This act shall take effect and be in force from  
164 and after July 1, 2004.