

By: Representative Smith (39th)

To: Transportation

HOUSE BILL NO. 1026

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE MOTOR VEHICLE INSPECTION STATIONS, WHEN PERFORMING VEHICLE
3 INSPECTIONS, TO CONDUCT A TEST OF THE LUMINOUS REFLECTANCE AND
4 LIGHT TRANSMITTANCE OF WINDOWS OF MOTOR VEHICLES THAT HAVE BEEN
5 TINTED OR DARKENED AFTER FACTORY DELIVERY; TO DELETE THE
6 REQUIREMENT THAT MANUFACTURERS OF MOTOR VEHICLE WINDOW TINT OR
7 DARKENING MATERIAL APPLY TO THE COMMISSIONER OF PUBLIC SAFETY FOR
8 REGISTRATION AND APPROVAL OF ITS TINT OR DARKENING MATERIAL AND
9 SUPPLY TO THE CONSUMER AN APPROVED LABEL ALONG WITH THE PRODUCT AT
10 THE TIME OF SALE OR DISTRIBUTION IN THIS STATE; TO AMEND SECTION
11 63-13-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
12 PROVISIONS OF THIS ACT; TO AMEND SECTION 63-13-11, MISSISSIPPI
13 CODE OF 1972, TO INCREASE THE FEES FOR MOTOR VEHICLE INSPECTIONS;
14 TO PROVIDE THAT A PORTION OF THE INCREASED FEES BE DEPOSITED INTO
15 A SPECIAL FUND TO PAY OVERTIME TO HIGHWAY PATROL TROOPERS; TO
16 AUTHORIZE MOTOR VEHICLE INSPECTION STATIONS TO COLLECT AND RETAIN
17 AN ADDITIONAL FEE FOR CONDUCTING TESTS OF THE LUMINOUS REFLECTANCE
18 AND LIGHT TRANSMITTANCE OF MOTOR VEHICLE WINDOWS; AND FOR RELATED
19 PURPOSES.

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

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

23 63-7-59. (1) No person shall drive any motor vehicle
24 required to be registered in this state upon the public roads,
25 streets or highways in this state with any sign or poster, or with
26 any glazing material which causes a mirrored effect, upon the
27 front windshield, side wings or side or rear windows of such
28 vehicle, other than a certificate or other paper required or
29 authorized to be so displayed by law. No person shall drive any
30 motor vehicle required to be registered in this state upon the
31 public roads, streets or highways in this state with any tinted
32 film, glazing material or darkening material of any kind on the
33 windshield of a motor vehicle except material designed to replace
34 or provide a sun shield in the uppermost area as authorized to be
35 installed by manufacturers of vehicles under federal law.

36 (2) From and after January 1, 1989, no person shall drive
37 any motor vehicle required to be registered in this state upon the
38 public roads, streets or highways in this state with any window so
39 tinted or darkened, by tinted film or otherwise, that the interior
40 of the vehicle is so obscured that a viewer with vision sufficient
41 to qualify for a Mississippi driver's license cannot readily see
42 into the interior of the vehicle by looking into it from outside
43 the vehicle; provided, however, this prohibition shall not apply
44 to school buses, other buses used for public transportation, any
45 bus or van owned or leased by a nonprofit organization duly
46 incorporated under the laws of this state, any limousine owned or
47 leased by a private or public entity or any other motor vehicle
48 the windows of which have been tinted or darkened before factory
49 delivery as permitted by federal law or federal regulations.
50 Notwithstanding the prohibitions of this subsection, no person
51 shall be charged with a violation of this subsection and it shall
52 be a complete defense for any person charged with a violation of
53 this subsection if:

54 (a) Each window of the vehicle upon which tinted or
55 darkening material has been applied has affixed to it a label
56 approved under subsection (8) of this section certifying that the
57 window:

58 (i) Has a luminous reflectance not exceeding
59 twenty percent (20%); and

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

62 (b) The person has a certificate of medical exemption
63 for the vehicle issued under subsection (6) of this section.

64 (3) Subsection (2) of this section shall stand repealed from
65 and after July 1, 2005.

66 (4) From and after July 1, 2006, no person shall drive any
67 motor vehicle required to be registered in this state upon the

68 public roads, streets or highways in this state with any window
69 tinted or darkened, by tinted film or otherwise, unless:

70 (a) Each window of the vehicle upon which tinted or
71 darkening material has been applied has affixed to it a label as
72 provided under subsection (8) of this section certifying that the
73 window:

74 (i) Has a luminous reflectance not exceeding
75 twenty percent (20%); and

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

78 (b) The person has a certificate of medical exemption
79 issued under subsection (6) of this section.

80 (5) The prohibitions of subsection (4) of this section shall
81 not apply to school buses, other buses used for public
82 transportation, any bus or van owned or leased by a nonprofit
83 organization duly incorporated under the laws of this state, any
84 limousine owned or leased by a private or public entity or any
85 other motor vehicle the windows of which have been tinted or
86 darkened before factory delivery as permitted by federal law or
87 federal regulations.

88 (6) Notwithstanding the provisions of subsection (2) or (4)
89 of this section, it shall be lawful for any person who has been
90 diagnosed by a licensed physician in this state as having a
91 physical condition or disease which is seriously aggravated by
92 minimum exposure to sunlight to place or have placed upon the
93 windshield or windows of any motor vehicle which he owns or
94 operates or within which he regularly travels as a passenger
95 tinted film or other darkening material which would otherwise be
96 in violation of this section. However, any such vehicle, in order
97 to be exempt under this subsection, shall have prominently
98 displayed on the vehicle dashboard a certificate of medical
99 exemption on a form prepared by the Commissioner of Public Safety
100 and signed by the person on whose behalf the certificate is

101 issued. The special certificate authorized by this subsection (6)
102 shall be issued free of charge to the applicants through the
103 offices of the tax collectors of the counties. Each applicant
104 shall present to the issuing official (a) an affidavit signed
105 personally by the applicant and signed and attested by a physician
106 which states the applicant's physical condition or disease which
107 entitles him to an exemption under this subsection, and (b) proof
108 of ownership of the motor vehicle by the applicant, or a signed
109 affidavit by the owner of a motor vehicle operated for the use of
110 the applicant, for which he is obtaining the certificate.

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

115 (8) From and after July 1, 2005, the Department of Public
116 Safety shall issue labels to official motor vehicle inspection
117 stations for affixing to every motor vehicle required to be
118 inspected in this state with a window therein which has been
119 tinted or darkened with any tinted film or other darkening
120 material after factory delivery. The label shall be affixed to
121 the lower left corner of each such window, shall be legible from
122 outside the vehicle, and shall indicate the label registration
123 number, a certification of compliance with Mississippi law, and
124 such other information as the Commissioner of Public Safety deems
125 appropriate. The labels shall be of a type which is
126 pressure-sensitive, self-destructive upon removal, and no larger
127 than one (1) inch square in size. Before affixing the label, the
128 inspection station shall conduct a test to determine that the
129 window complies with the luminous reflectance and light
130 transmittance requirements prescribed under subsection (2) or (4)
131 of this section. The test shall be conducted using specially
132 manufactured cards or devices approved and certified not less
133 often than annually by the Department of Public Safety. For

134 conducting such tests, motor vehicle inspection stations may
135 charge and collect a fee as prescribed in Section 63-13-11.

136 The presence of such label upon the window of a motor vehicle
137 shall indicate that the person who affixed the label certifies
138 that the window meets the restrictions of subsection (2) or (4) of
139 this section as to luminous reflectance and light transmittance.

140 (9) * * * No person shall install any tinted film, darkening
141 material, glazing material or any other material upon the
142 windshield or any window of a motor vehicle which, after the
143 installation thereof, would result in such vehicle being in
144 violation of subsection (2) or (4) of this section * * *.

145 (10) No motor vehicle inspection certificate shall be issued
146 from and after July 1, 2005, for a vehicle on which the windshield
147 or any window of the vehicle has been darkened by the installation
148 of tinted film or by other means, except as authorized under this
149 section. Inspection certificates may be issued for motor vehicles
150 which have labels affixed pursuant to subsection (8) of this
151 section and for motor vehicles for which a certificate of medical
152 exemption has been issued * * * pursuant to subsection (6) of this
153 section.

154 (11) It shall be unlawful for any person to alter or
155 reproduce any label or certificate of medical exemption approved
156 by the Commissioner of Public Safety under this section for the
157 purpose of misleading law enforcement officers or motor vehicle
158 inspection stations, or to knowingly use any approved label or
159 certificate except as authorized by this section.

160 * * *

161 (12) Any person violating subsection (9), (10) or (11) of
162 this section, upon conviction, shall be punished by a fine of not
163 more than One Thousand Dollars (\$1,000.00), or imprisonment in the
164 county jail for not more than three (3) months, or by both such
165 fine and imprisonment.

166 (13) Any violation of this section other than a violation of
167 subsection (9), (10) or (11) of this section shall be punishable
168 upon conviction as provided in Section 63-7-7.

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

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

179 **SECTION 2.** Section 63-13-9, Mississippi Code of 1972, is
180 amended as follows:

181 63-13-9. Such inspections shall be made of every such
182 vehicle, and such certificates shall be obtained with respect to
183 the mechanism, lights, tires, brakes and equipment, including a
184 test to determine the luminous reflectance and light transmittance
185 of the windows of vehicles that have been tinted or darkened after
186 factory delivery, as shall be designated by the motor vehicle
187 inspection department by rules and regulations.

188 No vehicle equipped with a liquefied petroleum or natural gas
189 carburetion system may be issued a certificate under this chapter
190 unless the vehicle shall have first been inspected and approved by
191 an inspector or qualified installer authorized by the State
192 Liquefied Compressed Gas Board to inspect and approve the
193 installation of such systems, and unless such approval is
194 exhibited to the person making the actual inspection under this
195 chapter.

196 The Commissioner of Public Safety may suspend the
197 registration of any vehicle which he determines is in such unsafe
198 condition as to constitute a menace to safety and which, after

199 notice and demand, is not equipped as required in this chapter and
200 for which a required certificate has not been obtained.

201 **SECTION 3.** Section 63-13-11, Mississippi Code of 1972, is
202 amended as follows:

203 63-13-11. (1) A fee of Ten Dollars (\$10.00) shall be
204 charged for an inspection and issuance of a certificate of
205 inspection for vehicles registered in this state. A fee of Twenty
206 Dollars (\$20.00) shall be charged for an inspection and issuance
207 of a certificate of inspection for vehicles registered in another
208 state unless a reciprocal agreement, as provided for in Section
209 63-13-7 has been approved, in which event no Mississippi
210 certificate of inspection shall be required. The fee for state
211 registered vehicles shall include a charge of Five Dollars (\$5.00)
212 per certificate of inspection, which shall be remitted to the
213 Mississippi Department of Public Safety. The fee for motor
214 vehicles registered in another state includes a charge of Eighteen
215 Dollars (\$18.00) per certificate of inspection, which shall be
216 remitted to the Department of Public Safety. The funds so
217 received by the department shall be deposited in the General Fund
218 of the State Treasury in accordance with the provisions of Section
219 45-1-23(2). The portion of the fee which is not remitted to the
220 department may be retained by the official inspection stations.

221 (2) Two Dollars (\$2.00) of the fee remitted to the
222 department for certificates of inspection for vehicles registered
223 in this state shall be deposited into a special fund created in
224 the State Treasury and may be expended, upon appropriation by the
225 Legislature, for payment of Highway Patrol trooper overtime work
226 in addition to the forty-hour work week.

227 (3) In addition to the fees prescribed under subsection (1)
228 of this section, an official inspection station may charge a fee
229 of Five Dollars (\$5.00) for conducting a test of the luminous
230 reflectance and light transmittance of vehicle windows that have

231 been tinted or darkened after factory delivery. Such fee may be
232 retained by the inspection station.

233 **SECTION 4.** This act shall take effect and be in force from
234 and after July 1, 2005.