

By: Senator(s) Posey

To: Judiciary, Division B

SENATE BILL NO. 2509

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE OFFICIAL INSPECTION STATIONS TO TEST TINTED WINDOWS FOR
3 COMPLIANCE WITH LIGHT TRANSMITTANCE REQUIREMENTS; AND FOR RELATED
4 PURPOSES.

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

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

8 63-7-59. (1) No person shall drive any motor vehicle
9 required to be registered in this state upon the public roads,
10 streets or highways in this state with any sign or poster, or with
11 any glazing material which causes a mirrored effect, upon the
12 front windshield, side wings or side or rear windows of such
13 vehicle, other than a certificate or other paper required or
14 authorized to be so displayed by law. No person shall drive any
15 motor vehicle required to be registered in this state upon the
16 public roads, streets or highways in this state with any tinted
17 film, glazing material or darkening material of any kind on the
18 windshield of a motor vehicle except material designed to replace
19 or provide a sun shield in the uppermost area as authorized to be
20 installed by manufacturers of vehicles under federal law.

21 (2) From and after January 1, 1989, no person shall drive
22 any motor vehicle required to be registered in this state upon the
23 public roads, streets or highways in this state with any window so
24 tinted or darkened, by tinted film or otherwise, that the interior
25 of the vehicle is so obscured that a viewer with vision sufficient
26 to qualify for a Mississippi driver's license cannot readily see
27 into the interior of the vehicle by looking into it from outside
28 the vehicle; provided, however, this prohibition shall not apply

29 to school buses, other buses used for public transportation, any
30 bus or van owned or leased by a nonprofit organization duly
31 incorporated under the laws of this state, any limousine owned or
32 leased by a private or public entity or any other motor vehicle
33 the windows of which have been tinted or darkened before factory
34 delivery as permitted by federal law or federal regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

128 officer of the Department of Public Safety pursuant to subsection
129 (12) of this section. If a motor vehicle with tinted windows does
130 not have a label or a certificate of compliance, the official
131 inspection station may test the tinted windows for compliance with
132 light transmittance requirements. If the motor vehicle is in
133 compliance, the official inspection station may issue labels or
134 certificates of compliance as may be prescribed by the Department
135 of Public Safety.

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

141 (12) Motor vehicles which do not have labels affixed
142 pursuant to subsection (8) of this section shall be tested for
143 compliance with the light transmittance requirements of this
144 section by law enforcement officers of the Department of Public
145 Safety or official inspection stations as provided in subsection
146 (10). Such tests shall be performed with specially manufactured
147 cards designed for such purpose and issued to officers by the
148 Department of Public Safety. Motor vehicles in compliance shall
149 be issued certificates of compliance in a form prescribed by the
150 Department of Public Safety.

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

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

159 (15) Violations of this section shall be enforced only by
160 law enforcement officers of the Mississippi Department of Public

161 Safety and municipal law enforcement officers of municipalities
162 having a population of two thousand (2,000) or more on the public
163 roads, streets and highways under their jurisdiction.

164 (16) The Department of Public Safety shall initiate a public
165 awareness program designed to inform and educate persons of the
166 provisions of this section. Funds for such public awareness
167 program shall be available through the office of the Governor's
168 representative for highway safety programs.

169 **SECTION 2.** This act shall take effect and be in force from
170 and after July 1, 2005.