

By: Representative Baker (74th)

To: Transportation

HOUSE BILL NO. 43

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT LAW ENFORCEMENT VEHICLES FROM COMPLIANCE WITH TINTING
3 REQUIREMENTS AS ESTABLISHED BY LAW; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

38 (a) Each window of the vehicle upon which tinted or
39 darkening material has been applied has affixed to it a label
40 approved under subsection (8) of this section certifying that the
41 window:

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

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

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

48 (3) Subsection (2) of this section shall stand repealed from
49 and after July 1, 2006.

50 (4) From and after July 1, 2006, no person shall drive any
51 motor vehicle required to be registered in this state upon the
52 public roads, streets or highways in this state with any window
53 tinted or darkened, by tinted film or otherwise, unless:

54 (a) Each window of the vehicle upon which tinted or
55 darkening material has been applied has affixed to it a label as
56 provided 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 issued under subsection (6) of this section.

64 (5) The prohibitions of subsection (4) of this section shall
65 not apply to (a) school buses, other buses used for public
66 transportation, any bus or van owned or leased by a nonprofit
67 organization duly incorporated under the laws of this state or any
68 funeral home services, any limousine owned or leased by a private
69 or public entity; * * * (b) any other motor vehicle the windows of
70 which have been tinted or darkened before factory delivery as
71 permitted by federal law or federal regulations; or (c) any
72 vehicle used by a state, county or municipal law enforcement
73 agency.

74 (6) Notwithstanding the provisions of subsection (2) or (4)
75 of this section, it shall be lawful for any person who has been
76 diagnosed by a licensed physician in this state as having a
77 physical condition or disease which is seriously aggravated by
78 minimum exposure to sunlight to place or have placed upon the
79 windshield or windows of any motor vehicle which he owns or
80 operates or within which he regularly travels as a passenger
81 tinted film or other darkening material which would otherwise be
82 in violation of this section. However, any such vehicle, in order
83 to be exempt under this subsection, shall have prominently
84 displayed on the vehicle dashboard a certificate of medical
85 exemption on a form prepared by the Commissioner of Public Safety
86 and signed by the person on whose behalf the certificate is
87 issued. The special certificate authorized by this subsection (6)
88 shall be issued free of charge to the applicants through the
89 offices of the tax collectors of the counties. Each applicant
90 shall present to the issuing official (a) an affidavit signed
91 personally by the applicant and signed and attested by a physician
92 which states the applicant's physical condition or disease which

93 entitles him to an exemption under this subsection, and (b) proof
94 of ownership of the motor vehicle by the applicant, or a signed
95 affidavit by the owner of a motor vehicle operated for the use of
96 the applicant, for which he is obtaining the certificate.

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

101 (8) From and after July 1, 2005, the Department of Public
102 Safety shall issue labels to official motor vehicle inspection
103 stations for affixing to every motor vehicle required to be
104 inspected in this state with a window therein which has been
105 tinted or darkened with any tinted film or other darkening
106 material after factory delivery. The label shall be affixed to
107 the lower left corner of each such window, shall be legible from
108 outside the vehicle, and shall indicate the label registration
109 number, a certification of compliance with Mississippi law, and
110 such other information as the Commissioner of Public Safety deems
111 appropriate. The labels shall be of a type which is
112 pressure-sensitive, self-destructive upon removal, and no larger
113 than one (1) inch square in size. Before affixing the label, the
114 inspection station shall conduct a test to determine that the
115 window complies with the luminous reflectance and light
116 transmittance requirements prescribed under subsection (2) or (4)
117 of this section. The test shall be conducted using such methods
118 or devices as may be approved and certified not less often than
119 annually by the Department of Public Safety. For conducting such
120 tests, motor vehicle inspection stations shall charge and collect
121 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee
122 shall be retained by the inspection station, and Three Dollars
123 (\$3.00) of the fee shall be remitted to the Department of Public
124 Safety and may be expended, upon legislative appropriation, for
125 the operational expenses of the department. No fee shall be

126 charged unless a test is actually performed under this subsection.
127 The presence of such label upon the window of a motor vehicle
128 shall indicate that the person who affixed the label certifies
129 that the window meets the restrictions of subsection (2) or (4) of
130 this section as to luminous reflectance and light transmittance.

131 (9) No person shall install any tinted film, darkening
132 material, glazing material or any other material upon the
133 windshield or any window of a motor vehicle which, after the
134 installation thereof, would result in such vehicle being in
135 violation of subsection (2) or (4) of this section.

136 (10) No motor vehicle inspection certificate shall be issued
137 from and after July 1, 2005, for a vehicle on which the windshield
138 or any window of the vehicle has been darkened by the installation
139 of tinted film or by other means, except as authorized under this
140 section. Inspection certificates may be issued for motor vehicles
141 which have labels affixed pursuant to subsection (8) of this
142 section and for motor vehicles for which a certificate of medical
143 exemption has been issued pursuant to subsection (6) of this
144 section.

145 (11) It shall be unlawful for any person to alter or
146 reproduce any label or certificate of medical exemption approved
147 by the Commissioner of Public Safety under this section for the
148 purpose of misleading law enforcement officers or motor vehicle
149 inspection stations, or to knowingly use any approved label or
150 certificate except as authorized by this section.

151 (12) Any person violating subsection (9), (10) or (11) of
152 this section, upon conviction, shall be punished by a fine of not
153 more 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 (13) Any violation of this section other than a violation of
157 subsection (9), (10) or (11) of this section shall be punishable
158 upon conviction as provided in Section 63-7-7.

159 (14) 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 (15) 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, 2006.