

By: Representative Bondurant

To: Transportation

HOUSE BILL NO. 1194

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT MOTOR VEHICLES OWNED AND OPERATED BY BAIL BONDSMEN  
3 AND OFFICIAL LAW ENFORCEMENT VEHICLES SHALL BE EXEMPT FROM  
4 RESTRICTIONS ON THE PLACEMENT OF TINT OR DARKENING MATERIAL ON THE  
5 WINDOWS OF MOTOR VEHICLES; 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 \* \* \*

23 (2) From and after July 1, 2006, no person shall drive any  
24 motor vehicle required to be registered in this state upon the  
25 public roads, streets or highways in this state with any window  
26 tinted or darkened, by tinted film or otherwise, unless:

27 (a) Each window of the vehicle upon which tinted or  
28 darkening material has been applied has affixed to it a label as

29 provided under subsection (6) of this section certifying that the  
30 window:

31 (i) Has a luminous reflectance not exceeding  
32 twenty percent (20%); and

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

35 (b) The person has a certificate of medical exemption  
36 issued under subsection (4) of this section.

37 (3) The prohibitions of subsection (2) of this section shall  
38 not apply to (a) school buses, other buses used for public  
39 transportation, any bus or van owned or leased by a nonprofit  
40 organization duly incorporated under the laws of this state or any  
41 funeral home services, any limousine owned or leased by a private  
42 or public entity, any motor vehicle owned and operated by a bail  
43 bondsman licensed under the laws of this state or any official law  
44 enforcement vehicle; or (b) any other motor vehicle the windows of  
45 which have been tinted or darkened before factory delivery as  
46 permitted by federal law or federal regulations.

47 (4) Notwithstanding the provisions of subsection (2) \* \* \*  
48 of this section, it shall be lawful for any person who has been  
49 diagnosed by a licensed physician in this state as having a  
50 physical condition or disease which is seriously aggravated by  
51 minimum exposure to sunlight to place or have placed upon the  
52 windshield or windows of any motor vehicle which he owns or  
53 operates or within which he regularly travels as a passenger  
54 tinted film or other darkening material which would otherwise be  
55 in violation of this section. However, any such vehicle, in order  
56 to be exempt under this subsection, shall have prominently  
57 displayed on the vehicle dashboard a certificate of medical  
58 exemption on a form prepared by the Commissioner of Public Safety  
59 and signed by the person on whose behalf the certificate is  
60 issued. The special certificate authorized by this subsection (4)  
61 shall be issued free of charge to the applicants through the

62 offices of the tax collectors of the counties. Each applicant  
63 shall present to the issuing official (a) an affidavit signed  
64 personally by the applicant and signed and attested by a physician  
65 which states the applicant's physical condition or disease which  
66 entitles him to an exemption under this subsection, and (b) proof  
67 of ownership of the motor vehicle by the applicant, or a signed  
68 affidavit by the owner of a motor vehicle operated for the use of  
69 the applicant, for which he is obtaining the certificate.

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

74       (6) From and after July 1, 2005, the Department of Public  
75 Safety shall issue labels to official motor vehicle inspection  
76 stations for affixing to every motor vehicle required to be  
77 inspected in this state with a window therein which has been  
78 tinted or darkened with any tinted film or other darkening  
79 material after factory delivery. The label shall be affixed to  
80 the lower left corner of each such window, shall be legible from  
81 outside the vehicle, and shall indicate the label registration  
82 number, a certification of compliance with Mississippi law, and  
83 such other information as the Commissioner of Public Safety deems  
84 appropriate. The labels shall be of a type which is  
85 pressure-sensitive, self-destructive upon removal, and no larger  
86 than one (1) inch square in size. Before affixing the label, the  
87 inspection station shall conduct a test to determine that the  
88 window complies with the luminous reflectance and light  
89 transmittance requirements prescribed under subsection (2) \* \* \*  
90 of this section. The test shall be conducted using such methods  
91 or devices as may be approved and certified not less often than  
92 annually by the Department of Public Safety. For conducting such  
93 tests, motor vehicle inspection stations shall charge and collect  
94 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee

95 shall be retained by the inspection station, and Three Dollars  
96 (\$3.00) of the fee shall be remitted to the Department of Public  
97 Safety and may be expended, upon legislative appropriation, for  
98 the operational expenses of the department. No fee shall be  
99 charged unless a test is actually performed under this subsection.  
100 The presence of such label upon the window of a motor vehicle  
101 shall indicate that the person who affixed the label certifies  
102 that the window meets the restrictions of subsection (2) \* \* \* of  
103 this section as to luminous reflectance and light transmittance.

104 (7) No person shall install any tinted film, darkening  
105 material, glazing material or any other material upon the  
106 windshield or any window of a motor vehicle which, after the  
107 installation thereof, would result in such vehicle being in  
108 violation of subsection (2) \* \* \* of this section.

109 (8) No motor vehicle inspection certificate shall be issued  
110 from and after July 1, 2005, for a vehicle on which the windshield  
111 or any window of the vehicle has been darkened by the installation  
112 of tinted film or by other means, except as authorized under this  
113 section. Inspection certificates may be issued for motor vehicles  
114 which have labels affixed pursuant to subsection (6) of this  
115 section and for motor vehicles for which a certificate of medical  
116 exemption has been issued pursuant to subsection (4) of this  
117 section.

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

124 (10) Any person violating subsection (7), (8) or (9) of this  
125 section, upon conviction, shall be punished by a fine of not more  
126 than One Thousand Dollars (\$1,000.00), or imprisonment in the

127 county jail for not more than three (3) months, or by both such  
128 fine and imprisonment.

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

132 (12) Violations of this section shall be enforced only by  
133 law enforcement officers of the Mississippi Department of Public  
134 Safety and municipal law enforcement officers of municipalities  
135 having a population of two thousand (2,000) or more on the public  
136 roads, streets and highways under their jurisdiction.

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

142 **SECTION 2.** This act shall take effect and be in force from  
143 and after July 1, 2006.