

By: Representatives Ward, Buck

To: Transportation

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1215

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE WINDSHIELD OF A MOTOR VEHICLE THAT HAS ANY WINDOW  
3 THAT HAS BEEN DARKENED OR TINTED AFTER FACTORY DELIVERY SHALL HAVE  
4 AFFIXED THERETO A LABEL INDICATING THAT SUCH WINDOWS COMPLY WITH  
5 THE PROVISIONS OF THIS ACT; TO DELETE CERTAIN PROVISIONS THAT  
6 RESTRICT THE PERCENTAGE OF LUMINOUS REFLECTANCE THAT MAY APPEAR ON  
7 THE WINDOW OF ANY MOTOR VEHICLE; TO LOWER THE MINIMUM PERCENTAGE  
8 OF LIGHT TRANSMITTANCE REQUIRED FOR THE WINDOW OF A MOTOR VEHICLE  
9 THAT HAS BEEN TINTED AFTER FACTORY DELIVERY; TO EXEMPT CERTAIN  
10 VEHICLES FROM THE PROHIBITIONS OF THIS ACT; TO PROVIDE THAT A  
11 MOTOR VEHICLE INSPECTION STATION SHALL NOT BE REQUIRED BY THE  
12 DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO SEPARATE BOND FOR THE  
13 PURPOSE OF AUTHORIZING THE INSPECTION STATION TO PERFORM  
14 INSPECTIONS OF THE WINDOWS OF MOTOR VEHICLES THAT HAVE BEEN TINTED  
15 OR DARKENED AFTER FACTORY DELIVERY; TO PROVIDE THAT NO INSPECTION  
16 STATION SHALL BE REQUIRED TO PERFORM A TEST TO DETERMINE IF THE  
17 WINDOWS OF A MOTOR VEHICLE HAVE BEEN TINTED OR DARKENED AFTER  
18 FACTORY DELIVERY IF THE INSPECTION STATION DOES NOT ISSUE A MOTOR  
19 VEHICLE INSPECTION CERTIFICATE FOR THE VEHICLE; AND FOR RELATED  
20 PURPOSES.

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

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

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

37 \* \* \*

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

42 (a) The windshield of the vehicle \* \* \* has \* \* \*  
43 affixed to it a label as provided under subsection (6) of this  
44 section certifying that all the windows of the vehicle have a  
45 light transmittance of twenty-eight percent (28%) or more; or

46 (b) The owner or operator of the vehicle has a  
47 certificate of medical exemption issued under subsection (4) of  
48 this section.

49 (3) The prohibitions of subsection (2) of this section shall  
50 not apply to (a) school buses, other buses used for public  
51 transportation, any bus or van owned or leased by a nonprofit  
52 organization duly incorporated under the laws of this state or any  
53 funeral home services vehicle, any limousine owned or leased by a  
54 private or public entity, or any law enforcement vehicle; (b) any  
55 window behind the front two (2) side windows, including the rear  
56 window, of any pickup truck, van, motor home, recreational  
57 vehicle, sport utility vehicle or multipurpose vehicle that has  
58 been tinted or darkened after factory delivery to the extent that  
59 the light transmittance of the window meets the minimum light  
60 transmittance requirements authorized to be installed for that  
61 window and for that vehicle under federal law or regulations  
62 before factory delivery; or (c) any other motor vehicle the  
63 windows of which have been tinted or darkened before factory  
64 delivery as permitted by federal law or federal regulations.

65 (4) Notwithstanding the provisions of subsection (2) \* \* \*  
66 of this section, it shall be lawful for any person who has been  
67 diagnosed by a licensed physician in this state as having a  
68 physical condition or disease which is seriously aggravated by  
69 minimum exposure to sunlight to place or have placed upon the

70 windshield or windows of any motor vehicle which he owns or  
71 operates or within which he regularly travels as a passenger  
72 tinted film or other darkening material which would otherwise be  
73 in violation of this section. However, any such vehicle, in order  
74 to be exempt under this subsection, shall have prominently  
75 displayed on the vehicle dashboard a certificate of medical  
76 exemption on a form prepared by the Commissioner of Public Safety  
77 and signed by the person on whose behalf the certificate is  
78 issued. The special certificate authorized by this subsection (4)  
79 shall be issued free of charge to the applicants through the  
80 offices of the tax collectors of the counties. Each applicant  
81 shall present to the issuing official (a) an affidavit signed  
82 personally by the applicant and signed and attested by a physician  
83 which states the applicant's physical condition or disease which  
84 entitles him to an exemption under this subsection, and (b) proof  
85 of ownership of the motor vehicle by the applicant, or a signed  
86 affidavit by the owner of a motor vehicle operated for the use of  
87 the applicant, for which he is obtaining the certificate.

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

92 (6) \* \* \* The Department of Public Safety shall issue labels  
93 to official motor vehicle inspection stations for affixing to the  
94 windshield of every motor vehicle required to be inspected in this  
95 state with a window therein which has been tinted or darkened with  
96 any tinted film or other darkening material after factory  
97 delivery. The label shall be affixed to the lower left corner of  
98 the windshield directly above the certificate of inspection, shall  
99 be legible from outside the vehicle, and shall indicate the label  
100 registration number, a certification of compliance with  
101 Mississippi law, and such other information as the Commissioner of  
102 Public Safety deems appropriate. The labels shall be of a type

103 which is pressure-sensitive, self-destructive upon removal, and no  
104 larger than one (1) inch square in size. Before affixing the  
105 label, the inspection station shall conduct a test to determine  
106 that the window complies with the \* \* \* light transmittance  
107 requirements prescribed under subsection (2) \* \* \* of this  
108 section. The test shall be conducted using such methods or  
109 devices as may be approved and certified not less often than  
110 annually by the Department of Public Safety. An inspection  
111 station shall not be required by the department to enter into a  
112 bond separate and apart from any bond required for official  
113 inspection stations as provided under Section 63-13-5, but the  
114 bond required under Section 63-13-5 shall be considered entirely  
115 sufficient for the purposes of this section. For conducting such  
116 tests, motor vehicle inspection stations shall charge and collect  
117 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee  
118 shall be retained by the inspection station, and Three Dollars  
119 (\$3.00) of the fee shall be remitted to the Department of Public  
120 Safety and may be expended, upon legislative appropriation, for  
121 the operational expenses of the department. No fee shall be  
122 charged unless a test is actually performed under this subsection  
123 and no inspection station shall be required to perform a test to  
124 determine if the windows of a motor vehicle have been tinted or  
125 darkened with any tinted film or other darkening material after  
126 factory delivery so long as the inspection station does not issue  
127 a motor vehicle inspection certificate for any such vehicle. The  
128 presence of such label upon the windshield of a motor vehicle  
129 shall indicate that the person who affixed the label certifies  
130 that the windows of the vehicle meet the restrictions of  
131 subsection (2) \* \* \* of this section as to \* \* \* light  
132 transmittance.

133 (7) No person shall install any tinted film, darkening  
134 material, glazing material or any other material upon the  
135 windshield or any window of a motor vehicle which, after the

136 installation thereof, would result in such vehicle being in  
137 violation of subsection (2) \* \* \* of this section.

138 (8) No motor vehicle inspection certificate shall be  
139 issued \* \* \* for a vehicle on which the windshield or any window  
140 of the vehicle has been darkened by the installation of tinted  
141 film or by other means, except as authorized under this section.  
142 Inspection certificates may be issued for motor vehicles which  
143 have labels affixed pursuant to subsection (6) of this section and  
144 for motor vehicles for which a certificate of medical exemption  
145 has been issued pursuant to subsection (4) of this section.

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

152 (10) Any person violating subsection (7), (8) or (9) of this  
153 section, upon conviction, shall be punished by a fine of not more  
154 than One Thousand Dollars (\$1,000.00), or imprisonment in the  
155 county jail for not more than three (3) months, or by both such  
156 fine and imprisonment.

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

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

165 (13) The Department of Public Safety shall initiate a public  
166 awareness program designed to inform and educate persons of the  
167 provisions of this section. Funds for such public awareness

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

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